

HOUSE No. 3855

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 21, 2014.

The committee on Environment, Natural Resources and Agriculture to whom was referred the petition (accompanied by bill, House, No. 664) of Thomas J. Calter and others for legislation to implement a boating education program within the Division of Law Enforcement of the Department of Fisheries, Wildlife and Environmental Law Enforcement, reports recommending that the accompanying bill (House, No. 3855) ought to pass.

For the committee,

ANNE M. GOBI.

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In the Year Two Thousand Fourteen

An Act relative to boater safety to be known as the David Hanson 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 2012
3 Official Edition is hereby amended by inserting, after the definition of “Boating Accident” , the
4 following definition:–

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

7

8 SECTION 3. Said chapter 90B of the General Laws is hereby further amended by
9 inserting after section 38, the following 6 sections:–

10 Section 39. The director shall establish and implement a boating education program. In
11 establishing this program the director shall:

12 1. Set a minimum standard of boating education competency which shall be
13 consistent with the applicable standard established by the National Association of State Boating
14 Law Administrators . 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 under paragraph (1) of this section.

18 3. Develop a boating education equivalency examination designed to test knowledge
19 which meets the minimum standard of competency established under paragraph (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
23 duplicate, to be deposited in a retained revenue account.
- 24 6. Evaluate and approve other boating safety courses that meet the minimum
25 standard of competency in conjunction with the National Association of State Boating Law
26 Administrators .

27 Section 40. A person who was born on or after January 1, 1990 shall not operate a
28 motorboat on the waters of the commonwealth, unless such person obtains, beginning on January
29 1, 2015, a boating certificate as evidence of successful passage of an approved boating safety
30 course or equivalency examination pursuant to section 39.

31 A person shall not operate a personal watercraft on the waters of the commonwealth,
32 unless such person obtains a boating certificate as evidence of successful passage of an approved
33 boating safety course or an equivalency examination pursuant to section 39. Nothing in sections
34 39 through 42, inclusive, shall supersede the requirements for operators of personal watercraft
35 established in sections 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, 2015- All personal watercraft operators 25 years of age and younger;

38 By January 1, 2016- All personal watercraft operators 35 years of age and younger;

39 By January 1, 2017- All personal watercraft operators 45 years of age and younger;

40 By January 1, 2018- All personal watercraft operators

41 The director may issue a boating certificate to any person who is 12 years of age or
42 older, who:

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

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

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

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

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

55 No person shall loan or permit his boating certificate to be used by another person.

56 No motorboat owner shall permit another person to operate his motorboat in violation of
57 the provisions of this section or sections 40, 42 or 44.

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

60 Section 42. A person shall be exempt from obtaining a boating certificate issued by the
61 commonwealth as specifically provided under the following circumstances:

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

75 For the purposes of this section the term "non-resident", shall mean a person residing
76 outside Massachusetts, or residing in Massachusetts for a period of less than 6 consecutive
77 months.

78 Section 43. The director may promulgate regulations deemed necessary to implement the
79 provisions of sections 39, 40, 41, 42 and 44. .

80 Section 44. Beginning on January 1, 2015, a person who is engaged in the business of
81 renting or leasing a motorboat shall provide a division approved safe motorboat operation
82 checklist to each person who is 18 years of age or older, and will be an authorized operator and
83 is not in compliance with section 42.. Each authorized operator of a rented or leased motorboat
84 shall first review and complete said checklist before operating the motorboat.