

## **RECREATIONAL BOATING SAFETY REQUIREMENTS and LEGISLATIVE ACTIVITY**

### **Boater Education and Child Life Jacket Use**

As compiled by the National Recreational Boating Safety Coalition (NRBSC)

*Here's the current status (as of December 3, 2014) of state laws on two issues:*

*(1) Boater education for all operators and*

*(2) Life jacket use for children 12 and under.*

*PLUS (+) indicates that the current law meets recommended standards while*

*MINUS (-) indicates either no requirement or room for improvement.*

**Currently, two (2) states (Virginia and Wisconsin) have no child life jacket use law. Nine (9) other states (Alabama, Florida, Maine, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota) have age requirements below recommended standard.**

**Currently, seven (7) states (Alaska, Arizona, Idaho, Maine, South Dakota, Utah, Wyoming) have virtually no boater education requirement. Ten (10) other states (Colorado, Indiana, Iowa, Kentucky, Massachusetts, Minnesota, Montana, North Dakota, Oklahoma, South Carolina) are without education laws for all boaters.**

*Here is also the latest information and activity on these issues and some other boating safety issues as reported to the Coalition by the first week of December.*

***Especially note new mandatory education laws in California, Illinois, and North Carolina. Also note other new laws and activity in Connecticut, Florida, Georgia, Hawaii, Idaho, Maryland, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Virginia and Washington.***

**The coalition's next meeting will be March 25, 2015.**

**Action Alerts will be issued as significant activity develops.**

**If you have any additional information or corrections, please e-mail them to Tom O'Day at [NRBSCoalition@aol.com](mailto:NRBSCoalition@aol.com) and Steve Blackistone at [Blackis@ntsb.gov](mailto:Blackis@ntsb.gov).**

**NOTE: If you would like to make additional distribution of this report, a digital copy is attached.**

**Alabama (2015 legislature convenes March 3, 2015 and adjourns June 15)**

+ Requires boater education for all operators born after 4/28/1954.

- ***Under 8 for child life jacket use.***

H.B. 24 (PFD requirements), by Rep. Joe Faust, would have raised the age under which an individual must wear a flotation device from eight to 13. Outlook for passage was good since the sponsor is a member of the majority party which holds both chambers of the legislature and the office of the governor.

However, the House Public Safety and Homeland Security Committee did not act on the bill during a February 6 hearing. So, the bill died with adjournment in 2013.

**No similar action in 2014.**

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[steve.thompson@dcnr.alabama.gov](mailto:steve.thompson@dcnr.alabama.gov);

David Dickerson, NMMA, (202) 737-9761, [ddickerson@nmma.org](mailto:ddickerson@nmma.org)

**Alaska (convenes January 20 and adjourns April 19)**

- ***No boater education requirements.***

+ Under 13 for child life jacket use.

BLA is "pleased to announce that currently I have no legislative issues." Previously, the state enacted a permanent extension of their Recreational Boating Safety Program.

Contact: Jeffrey S. Johnson (BLA), 907-269-8705, [jeff.johnson@alaska.gov](mailto:jeff.johnson@alaska.gov)

**Arizona (convenes January 12 and adjourns April 25)**

- ***No boater education requirements.***

+ 12 and Under for child life jacket use.

There is a grass roots effort spearheaded by various fishermen associations for mandatory boating safety education. Sen. Linda Gray (R) 10th District, who has previously introduced a bill, is being approached by various groups. These groups are also directly lobbying the Governor.

Contact: Tim Baumgarten (BLA), 623-236-7383, [tbaumgarten@azqfd.gov](mailto:tbaumgarten@azqfd.gov)

**Arkansas (convenes January 12 and adjourns March 12)**

+ Requires boater education for all operators born after 1/1/1986.

+ 12 and Under for child life jacket use.

**California (convenes December 1, 2014 and adjourns November 30, 2016)**

+ Requires boater education for all operators by 1/1/25 (effective 1/1/2018)

+ *Under 13 for child life jacket use.*

**On January 1, 2018, all motorized boat operators in California that are 20-years-old or younger will have to apply for a "vessel operator card" to stay legal on the water, a card that will show proof of having passed an approved examination of safe boating practices.**

**The bill, SB 941, was authored by Sen. Bill Monning, D-Carmel, and Senator Mark DeSaulnier, D-Concord. Gov. Jerry Brown signed it into law Sept. 19.**

**Its implementation will be staggered. First, the Division of Boating and Waterways must develop the requirements of a vessel operator card. Once the card goes into effect in 2018, the law will eventually begin to apply to older boat operators, and by 2025, operators of all ages.**

SB 941, Vessel Operator Certification, aka mandatory education, introduced February 4, 2014 by Senators Bill Morning & Mark DeSaulnier.

SB 941 requires an individual to pass an examination and obtain a vessel operator card from the Division of Boating and Waterways (Division) in order to operate a motorized vessel on waterways in the State of California.

The Division would be required to develop vessel operator and rental vessel operator cards in order to adopt regulatory standards by December 31, 2017.

The examination would be available on the Division's website, along with links to internet examinations from other providers approved by the Division. Any examination must contain elements consistent with the National Association of State Boating Law Administrators boating safety course standards.

**FOR MORE INFORMATION: Bethany Westfall, Sen. Bill Morning, (916) 651-4017, [bethany.westfall@sen.ca.gov](mailto:bethany.westfall@sen.ca.gov); Erin Riches, Senate Transportation and Housing Committee, (916) 651-4121, [erin.riches@sen.ca.gov](mailto:erin.riches@sen.ca.gov).**

Contact: Ramona Fernandez (BLA), 916-327-1823; [Ramona.fernandez@parks.ca.gov](mailto:Ramona.fernandez@parks.ca.gov)

Jerry Desmond, Jr., Director of Government Affairs, RBOC, 916-441-4166

David Dickerson, NMMA, (202) 737-9761, [ddickerson@nmma.org](mailto:ddickerson@nmma.org)

**Colorado (convenes January 7 and adjourns May 14)**

- ***Boater education requirement applies only ages 15 and under.***

+ Under 13 for child life jacket use.

Contact: Colorado: Kris Wahlers (BLA), 303.791.1954, [kris.wahlers@state.co.us](mailto:kris.wahlers@state.co.us)

**Connecticut (convenes January 7 and adjourns June 3)**

+ Requires boater education for all ages.

+ 12 and Under for child life jacket use.

**BLA reports that the mandatory education law was diluted somewhat in the 2013 session. Operators of boats with electric engines operating on inland waters limited to engine sizes of 10hp or less (max. 106 lbs. of thrust) between 1 hour before sunrise and 1 hour after sunset are not required to have a boating safety certificate.**

Contact: Eleanor C. Mariani (BLA, 860-434-8638, [eleanor.mariani@ct.gov](mailto:eleanor.mariani@ct.gov))

**Delaware (convenes January 13 and adjourns June 30, 2016)**

- + Requires boater education for all operators born after 1/1/1978.
- + 12 and Under for child life jacket use.

**District of Columbia (convenes January 7, 2014 and adjourns December 2016)**

- + Requires boater education for all operators.
- + 12 and Under for child life jacket use.

**Florida (convenes March 3 and adjourns May 1)**

- + Requires boater education for all operators born after 1/1/1988
- *Under 6 for child life jacket use.*

**BLA reports that these issues passed the legislature:**

**1. Regulation of Commercial Parasail** – FWC, legislators, the Coast Guard and the parasail industry (working through the Water Sports Industry Association) have been working for several years with ASTM to create and adopt voluntary industry standards. Those standards are nearly complete, and complimentary House and Senate bills were filed to codify some of those industry standards into state law.

**2. Modification to Florida's Mandatory Education for Violators law** – FWC proposed a minor change to current law which would allow a person who is required to take a basic boating safety course as a result of them being convicted of certain boating violations to complete that course on-line. Current law requires "attendance" in a course, which has been interpreted to intend for attendance in a classroom course. This change will allow either a classroom or on-line course to satisfy the requirement.

**3. Dive flag requirements** – Complimentary bills were filed in the House and Senate to open up Florida's dive flag law and intend to allow a dive buoy which displays a dive symbol of at least 12" x 12" on each of four sides to be used by divers in the water. The intent is to increase visibility of the dive symbol, thus allowing boaters to better recognize that dive activities are underway and steer clear or slow appropriately. Florida's current law only allows flags.

**4. Derelict vessels** – the bill would improve the clarity of Florida's law prohibiting derelict vessels and would also state legislative intent to hold law enforcement agencies who relocate or remove a derelict vessel harmless. A move is also underway to alter Florida's law dealing with interference with navigation to allow law enforcement officers to relocate and/or secure a vessel which is creating a navigation hazard as a result of breaking free of its mooring or anchor. This would also contain a hold harmless clause for the involved agency.

**5. Florida's Anchoring and Mooring Pilot Program** is set in current law to sunset on June 30, 2014. FWC has submitted a report on the project to the Governor, Speaker of

the House and President of the Senate, and has made formal recommendation to have the pilot program extended for three additional years. This is in an effort to gather better and more complete data to demonstrate the pros and cons of the local government regulations passed in the five local jurisdictions participating in the pilot program.

Contact: Richard Moore (BLA), 850-488-5600, [richard.moore@myfwc.com](mailto:richard.moore@myfwc.com)

**Georgia (convenes January 12 and adjourns March 9)**

- + Requires boater education for all operators born after 1-1-1998.
- + Under 13 for child life jacket use.

***BLA reports that Gov. Deal has signed HB 777 Boater Violator Compact law into law.***

**House Bill 777 enacts the Interstate Boating Violator Compact (Mirrors the Interstate Wildlife Violator Compact) and allows Georgia to enter into the compact and provide a mechanism to suspend privileges to operate a vessel upon Georgia waters for violations of boating laws and allow reciprocal recognition of boating related suspensions from other states who in the future enter into the compact.**

Contact: Jeff Weaver (BLA), 706-557-3313, [jeff.weaver@dnr.state.ga.us](mailto:jeff.weaver@dnr.state.ga.us);  
David Dickerson, NMMA, 202-737-9761, [ddickerson@nmma.org](mailto:ddickerson@nmma.org)

**Hawaii (convenes January 21 and adjourns April 23)**

- + Requires mandatory boating education for all boat operators starting 11/10/14.
- + Under 13 for child life jacket use.

**BLA reported that they had no legislation in 2014 but their mandatory education requirement took effect in November. It is not a phase in program and anyone operating a vessel of 10hp or more will have to take a NASBLA approved course.**

Starting in November, 2014, all boat operators must complete a boating safety course to operate motorized vessel in Hawaii state waters. Seasoned boaters will be able to take equivalency exams if they feel they already understand the rules of the road. For new boaters, an online course approved by the National Association of State Boating Law Administrators (NASBLA) takes just 3-4 hours of instruction to complete. Boat operators under 16 years old must be accompanied by an adult 21 years or older who holds the required boater safety education certificate; The new rule, as Title 13, Section 13-244-15.5, HAR, Operation of Power Driven Vessels, gives the Department of Boating and Ocean Resources (DOBOR) two years to develop and prepare NASBLA-and-state-approved boating safety courses before it takes effect.

Contact: Ed Underwood (BLA), 808-587-1966, [ed.r.underwood@hawaii.gov](mailto:ed.r.underwood@hawaii.gov)

**Idaho (convenes January 12 and adjourns November 30, 2016 )**

**- No boater education requirements except for rentals of personal watercraft; boaters convicted of operating under the influence of drugs or alcohol, and boaters who are repeat offenders of boating law or rule.**

**+ 14 and Under for child life**

**Governor has signed Senate Bill 1274 which criminalized the grossly negligent operation of vessels. Grossly negligent is defined to mean without due caution and circumspection, and in a manner as to endanger or be likely to endanger any person or property. The new law took effect June 1, 2014.**

**<http://legislature.idaho.gov/legislation/2014/S1274.htm>**

Contact: Dave Dahms (BLA), 208-514-2412, [david.dahms@idpr.idaho.gov](mailto:david.dahms@idpr.idaho.gov)

**Illinois (convenes January 14 and adjourns December 16)**

**+ Requires boating education for all operators born after 1/1/91 (effective 1/1/16)**

**+ 12 and Under for child life jacket use.**

**Governor has signed SB 3433, mandatory boating education, into law. It becomes effective 1/1/2016.**

**It amends the Boat Registration and Safety Act. Provides that beginning January 1, 2016 no person born on or after January 1, 1991 shall operate a motorboat with over 10 horse power without a Boating Safety Certificate.**

**Beginning January 1, 2016, requires persons between 10 and 12 operating a motorboat with over 10 horse power to be under the direct on-board supervision of a parent, guardian, or designee over 18 that possesses a Boating Safety Certificate. Beginning January 1, 2016, requires persons between 12 and 18 operating a motorboat with over 10 horse power to have a Boating Safety Certificate or be under the supervision of a parent, guardian, or designee over 18 with a Boating Safety Certificate. Beginning January 1, 2016, provides that the owner of a motorboat with over 10 horse power shall not allow it to be operated by anyone without a Boating Safety Certificate.**

**Provides that a person operating a motorboat with over 10 horse power must provide their Boating Safety Certificate to law enforcement upon request. Provides that boat liveries may offer an abbreviated safety course that allows persons renting motorboats from the livery to operate those rentals without a Boating Safety Certificate. Provides that providing false information in an application for a Boating Safety Certificate or displaying a false certificate is a Class A misdemeanor. Provides exceptions to the certificate requirement.**

Contacts: Joe Morelock (BLA), 217-782-5828, [joe.Morelock@illinois.gov](mailto:joe.Morelock@illinois.gov), and Don Koster, Chicago Yachting Association and Chair, Illinois Boating Safety Education Coalition, 708-921-1363, [koster43@sbcglobal.net](mailto:koster43@sbcglobal.net) and Fred Poppe, Secretary, Illinois



Boating Safety Education Coalition, [poppe.dfx@sbcglobal.net](mailto:poppe.dfx@sbcglobal.net) and Capt. William Russell, International Shipmasters Lodge 3, [ismashipcaptain.@aol.com](mailto:ismashipcaptain.@aol.com)

**Indiana (convenes January 13 and adjourns ? - to be determined)**

- ***Boater education requirement applies only to age 15 and under.***

+ 12 and Under for child life jacket use on state/federal waters

Indiana's Boating Law Administrator had proposed to update Indiana's life jacket requirements for children to apply to all state waters. Currently Indiana's legislation applies only to state/federal waters.

S.B. 434, by Senator Allen Paul, would have done this. It was reported favorably from committee on 1-28-13 and then withdrawn on 2-7-13. There was no further consideration.

Contact: Lt. Keaton Turner (BLA), 317-232-0935, [KTurner@dnr.IN.gov](mailto:KTurner@dnr.IN.gov)

**Iowa (convenes January 12 and adjourns May 2)**

- ***Boater education requirement applies only to age 17 and under.***

+ 12 and Under for child life jacket use.

Contact: Susan Stocker (BLA), 515-286-0122, [susan.stocker@dnr.iowa.gov](mailto:susan.stocker@dnr.iowa.gov)

**Kansas (convenes January 12 and adjourns mid-April)**

+ Requires *boater education to all operators born after 1/1/1989*

+ 12 and Under for child life jacket use.

BLA report that the Governor has signed into law a bill to reduce the property tax on recreational boats from the current 30% valuation times the mill levy to 15% for 2014 and 5% in 2015 and the years following. According to the BLA, "this was a great victory to try and bring our State back to a fair market compared to our neighboring states."

Contact: Dan Heskett (BLA), 620-672-0758, [dan.heskett@ksoutdoors.com](mailto:dan.heskett@ksoutdoors.com)

**Kentucky (convenes January 6 and adjourns March 30)**

- ***Boater education requirement applies only to operators age 17 and under.***

+ Under 12 for child life jacket use.

Kentucky has declared itself the "Houseboat Capital of the World." It will also require "a reasonable and articulable suspicion based upon specific and articulable facts which, taken together with rational inferences from those facts" before officers of the department of Fish and Wildlife may stop a boat.

Comprehensive boater education legislation passed the House (70-27) in 2008 but there has been no further action since that time.

Contact: Shane Carrier (BLA), 502-564-3400, [joseph.carrier@ky.gov](mailto:joseph.carrier@ky.gov)

**Louisiana (convenes April 13 and adjourns June 11)**

- + Requires boater education for operators born after 1/1/1984.
- + 16 and Under for child life jacket use.

**Maine (convenes December 3, 2014 and adjourns June 17)**

- **No boater education requirements except for personal watercraft.**
- **10 and Under for child life jacket use.**

*L.D. 203, Rep. Richard Malaby (R), would require a person to wear a Coast Guard approved Type III personal flotation device while kayaking on open salt water on the internal waters of the state. After public hearing on 4-4-13, committee of referral did not act on this measure.*

The Maine Joint Standing Committee on Inland Fisheries and Wildlife heard testimony in 2009 on LD 1204, a mandatory education bill, introduced by Representative Thom Watson. There was no opposition to the bill. However, a few Senators and Representatives had some concerns. As a result of those concerns, the Senate passed a resolution requiring Maine's Department of Inland Fisheries and Wildlife to provide a plan to implement the bill while addressing problems in rural areas. Currently, a draft of the plan has been completed and is under final review. Basically, the plan closely parallels the original bill.

**Currently, the boater education issue seems to be in a deep freeze.**

Contacts: Col. Joel Wilkinson (BLA), 207-287-2766, [joel.wilinson@maine.gov](mailto:joel.wilinson@maine.gov), and Ralph Pears, 207-468-1165; [rbpears@ghi.net](mailto:rbpears@ghi.net)

**Maryland (convenes January 14 and adjourns April 13)**

- + Requires boater education for all operators born after 7/1/1972.
- + Under 13 for child life jacket use.

**BLA reports that during the 2014 Legislative session, the Maryland Natural Resources Police (NRP) attempted to correct some loop holes in the state's Boating Under the Influence (BUI)/Operating While Intoxicated (OUI) laws. The Natural Resources Police introduced Senate Bill 94 with amendments to restore the vessel OUI law to its pre-2010 state of applying to all vessels. The bill as filed would have extended the vessel OUI law to include unregistered, non-motorized vessels (including canoes, kayaks etc.).**

**During the attempt to get this passed this session, the U. S. Coast Guard notified the Department that Maryland's vessel OUI law needs be consistent with the federal law so that our Recreational Boating Safety Program remains in compliance.**



**Senate Bill 94 unfortunately did not receive a favorable report and did not make it out of committee. The NRP will continue next year with another effort to introduce a bill that would correct this BUI/OUI loop hole.**

Contact: Col. George Johnson (BLA), 410-260-8881, [gjohnson@dnr.state.md.us](mailto:gjohnson@dnr.state.md.us)

**Massachusetts (convenes January 7 and adjourns November 18)**  
- ***Boater education requirement applies to operators age 15 and younger.***  
+ Under 12 for child life jacket use.

**In 2013, there were several bills relating to recreational boating.**

**The main one being House Bill H3855: An Act related to boating safety known as the Dave Hanson Act relating to mandatory boating education. Submitted by a group of Massachusetts Harbormasters. It was an amended version of H664. It was reported favorably by the committee on Environment, Natural Resources and Agriculture and then referred to the committee on House Ways and Means which took no action on it.**

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**All the other bills were either referred to Ways and Means with no further action or made part of study bills.**

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**Michigan (convenes January 14 and adjourns December 16)**  
+ Requires boater education for all power boat operators born after 6/1/1996  
- ***Under 6 for child life jacket use.***

BLA sends a clarification of the law change signed by the governor last spring (HB 5110). <http://www.legislature.mi.gov/documents/2011-2012/billconcurrent/House/pdf/2011-HCB-5110.pdf>. The BLA notes that saying the law "prohibits state and local law enforcement from pulling over boaters without cause" is not completely accurate. What the change did was eliminate the stopping of vessels that bear the vessel safety check (VSC) decal to check for adequate PFDs. So, as written, the law change would only apply to vessels having the VSC decal. BLA notes that there are not a tremendous amount of vessels bearing this decal and with USCG terminating agreements with state and local law enforcement for the VSC program, the number of boats out there with the decal will be minimal at best.

Contact: Lt. Andrew Turner (BLA), 517-373-7109, [turneral@michigan.gov](mailto:turneral@michigan.gov);  
David Dickerson, NMMA, (202) 737-9761, [ddickerson@nmma.org](mailto:ddickerson@nmma.org)

**Minnesota (convenes January 6 and adjourns May 18)**

- *Boater education requirement applies only to operators age 17 and younger.*
- *Under 10 for child life jacket use.*

BLA reports that in 2014 there were no direct changes to our watercraft laws.

However, there were changes to our driving while impaired statute (which includes motorized watercraft in MN) referencing changes in our criminal vehicular homicide and injury statutes.

No predictions for 2015, as our Governor has not yet released his recommendations.

Two items will go into effect and one is in development for 2015 based upon laws passed in previous years:

- 1. On 12/8/14 our state rules will be modified to have numbering and license decal requirements for stand-up paddleboards match other non-motorized watercraft. The essential change is that the registration numbers and letters will not need to be displayed. This was required by 2013 legislation.**
- 2. Effective 7/1/2015 persons transporting watercraft or water related equipment by trailer will need to have an aquatic invasive species trailer decal on the trailer. The decal can be issued after taking a required training course or a temporary seven day authorization is available for those who have not completed the course. Violation is a warning with no penalty. If a person violates other MN aquatic invasive laws they must also complete the training course.**
- 3. One or more tribal bands has made an inquiry on starting the process to issue watercraft licenses. This would be done consistent with NASBLA'S model act and the state law notes that it must be done under federal approval, so nothing can be implemented without USCG approval. And note the changes affecting boating via MN Impaired Driving Code changes relating to criminal vehicular homicide. See <https://www.revisor.mn.gov/laws/?id=180&doctype=Chapter&year=2014&type=0#laws.0.1.0>**

Contact: Stan Linnell (BLA), 651-259-5626, [stan.linnell@state.mn.us](mailto:stan.linnell@state.mn.us)

**Mississippi (convenes January 6 and adjourns April 6)**

- + Requires boater education for all operators born after 6/30/1980.
- + 12 and Under for child life jacket use.

**Missouri (convenes January 7 and adjourns May 30)**

- + Requires boater education for all operators born after 1/01/1984.
- ***Under 7 for child life jacket use.***

BLA reports that there is pending legislation to amend the new “temporary permit” law passed last year to apply to Missouri residents as well. The statute as passed last year allows out of state residents a one time, seven day, temporary permit to accommodate potential boat renters and purchasers who do not have a boater education card.

Contact: Cpt. Mark E. Richerson (BLA), 573-301-348,  
[mark.richerson@mshp.dps.mo.gov](mailto:mark.richerson@mshp.dps.mo.gov)

**Montana (convenes January 5 and adjourns April 29)**

- ***Boater education requirement applies only to operators age 14 and younger.***
- + Under 12 for child life jacket use.

Contact: Ron Jendro (BLA), 406-444-0136; [rjendro@mt.gov](mailto:rjendro@mt.gov)

**Nebraska (convenes January 7 and adjourns early-April)**

- + Requires boater education for all operators born after 12/31/1985.
- + Under 13 for child life jacket use.

BLA reports that we have no new boating safety legislation this year but we are overjoyed to report 2013 was a boating fatality free year for Nebraska. The first year since we started keeping records (1965). Before 2013 we averaged 5 recreational boating fatalities per year. Proving once again what we all know, excellent boating safety program plus diligent law enforcement equals safe recreational boating.

Contact: Herb Angell (BLA), 402-471-5579, [herb.angell@ngpc.ne.gov](mailto:herb.angell@ngpc.ne.gov)

**Nevada (convenes February 2 and adjourns June 1)**

- + Requires boater education for all operators born after 1/1/1983.
- + Under 13 for child life jacket use.

**New Hampshire (convenes January 7 and adjourns December 7, 2016)**

- + Requires boater education for all ages.
- + 12 and Under for child life jacket use.

**New Jersey (convenes January 13 and adjourns January 12, 2016)**

- + Requires boater education for all operators.
- + 12 and Under for child life jacket use.

**BLA call attention to Senate Bill S504, enhanced penalty for leaving the scene of a boating accident, which was merged into S846 and then passed into public law.**

**Under current law, the operator of a vessel is required to provide assistance to people affected an accident so long as that operator is able to do so without**

**endangering passengers. This bill makes it a second degree crime if a vessel operator knowingly leaves the scene of an accident that results in the death of another person, and a crime of the third degree if the accident results in serious bodily harm.**

**The bill is modeled after current law, which makes it a second degree crime to leave the scene of a motor vehicle accident that results in the death of a passenger, and a third degree crime when the accident results in serious bodily injury. A second degree crime is punishable by five to 10 years imprisonment, a fine of up to \$150,000, or both. A crime of the third degree is punishable by three to five years imprisonment, a fine of up to \$15,000, or both. Current law defines “serious bodily injury” as bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.**

**The bill specifies that its provisions do not preclude an indictment and conviction for aggravated manslaughter or vehicular homicide. The bill further specifies that its provisions shall not merge with a conviction for aggravated manslaughter or vehicular homicide. Convictions for multiple offenses arising under this bill are to run consecutively.**

**In addition, the bill states that it is not a defense that the vessel operator lacked knowledge of the death or injury, or knowledge of the violation under the bill.**

**Finally, the bill amends current law to enhance the penalties for failure of an operator to assist persons affected by an accident. Under the bill the penalties are a fine of not less than \$200 or more than \$400, imprisonment for a period of not more than 30 days, or both, for the first offense. For subsequent offense, the bill imposes a fine of not less than \$400 or more than \$600, imprisonment for a period of not less than 30 days or more than 90 days, or both.**

**Contact: A/SFC Kenneth Ryan (BLA), 609-882-2000x6167, [lpp5643@gw.njsp.org](mailto:lpp5643@gw.njsp.org)**

**New Mexico (convenes January 20 and adjourns March 21)**

- + Requires boater education for all operators born after 1/1/1989.**
- + 12 and Under for child life jacket use.**

**BLA reports that they had no pending legislation during the recently completed session.**

**In 2013, NM passed a bill (S.B. 94) that will offer a “penalty assessment misdemeanor” as an option for certain boating violations (including failure to wear a PFD) that are not linked to death, disappearance, great bodily harm, etc. Due to the option of paying the penalty assessment directly and avoiding the magistrate court mandatory appearance, this is an efficiency measure for boaters, courts, and officers.**

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**New York (convenes January 7 and adjourns December 16)**

+ Requires boater education for all boaters born after 5/1/1996

+ Under 12 for child life jacket use.

**BLA reports as of 5/1/14 anyone born on or after 5/1/96 will now be required to complete a boating safety course in order to legally operate a motorized boat within the state. Also new this year, individuals completing a state boating safety course, including those taught by the auxiliary or power squadrons may have that credential noted on their state driver's license or non-driver ID card**  
**<http://nysparks.com/lifetime/>.**

Contact: Brian Kempf (BLA), 518-474-0445; [brian.kempf@parks.ny.gov](mailto:brian.kempf@parks.ny.gov);  
David Dickerson, NMMA, (202) 737-9761, [ddickerson@nmma.org](mailto:ddickerson@nmma.org)

**North Carolina (convenes January 14 and adjourns ? - to be determined)**

+ Requires boater education for operators born after 1/1/1988

+ Under 13 for child life jacket use.

**BLA called to our attention that North Carolina had a change to their states boater education law that went into effect 12/1/2013. Previously, our chart had shown that their law only applied to operators 26 or younger. Not so! It applies to anyone born on or after January 1, 1988. We apologize for this error.**

**So, the states boater education law now says that anyone born on or after January 1, 1988 is required to complete a boater education course for boats powered by a motor of 10 HP or more.**

Contact: Maj. Chris Huebner (BLA), 919-709-0030, [chris.huebner@ncwildlife.org](mailto:chris.huebner@ncwildlife.org);  
Pete Deschenes, Chair, N. C. Coalition, 252-586-3144, [stugaville@embarqmail.com](mailto:stugaville@embarqmail.com)

**North Dakota (convenes January 6 and adjourns April 29)**

**- Boater education requirement applies only to operators age 15 and younger.**

**- 10 and Under for child life jacket use.**

In 2013, HB 1141, introduced by Representative Nathe and Senator Miller. Would allow an individual at least age 16 to windsurf or boardsail without wearing a life jacket; would prohibit an individual from towing another individual on water skis, surfboard or other similar device between one hour after sunset to one hour before sunrise; and would allow a vessel equipped with a mirror with a wide field of vision to the rear to replace an observer while towing an individual on water skis, surfboard or similar device. Passed House 78-9. Senate Natural Resources Committee heard 3/22, no further action taken.

Contact: Nancy Boldt (BLA), 701-328-6312, [nboldt@nd.gov](mailto:nboldt@nd.gov)

**Ohio (convenes January 5 and adjourns December 16)**

- + Requires boater education for all operators born after 1/1/1982.
- ***Under 10 for child life jacket use.***

The Governor has signed HB 29 (aka the "Boater Freedom Act") which specifies that the state's law enforcement personnel may only stop a vessel if they have reasonable suspicion that the vessel or vessel's operator are in violation of marine law or otherwise engaged in criminal activity. It became effective upon signature of the Governor.

Also, individuals possessing a valid merchant mariner credential issued by the U.S. Coast Guard in accordance with 46 C.F.R. 10.109 and having at least one endorsement of master or operator as defined in 46 C.F.R. 10.107 will no longer be required to complete a boater-safety course before operating a recreational vessel. But when operating any recreational vessel, such individuals must carry documentation of their merchant mariner credentials and endorsements, and the documentation must be presented to a watercraft officer or law-enforcement officer upon request.

Contact: Mike Miller (BLA), 614-265-6474, [mike.miller@dnr.state.oh.us](mailto:mike.miller@dnr.state.oh.us);  
David Dickerson, NMMA, (202) 737-9761, [ddickerson@nmma.org](mailto:ddickerson@nmma.org);

**Oklahoma (convenes February 2 and adjourns May 29)**

- ***Boater education requirement applies only to ages 15 and younger.***
- + 12 and Under for child life jacket use.

Contact: Lt. Mark Brown (BLA), 405-522-1877, [mbrown@dps.state.ok.us](mailto:mbrown@dps.state.ok.us)

**Oregon (convenes February 2 and adjourns July 11)**

- + Requires boater education for all ages
- + 12 and Under for child life jacket use

**Pennsylvania (convenes January 6 and adjourns December 16)**

- + Requires boater education for all operators born after 1/1/1982.
- + 12 and Under for child life jacket use.

**BLA reports that a Boating Advisory Board meeting is scheduled for February 12<sup>th</sup> from 9am-3pm (with a back-up date of February 18<sup>th</sup>, in case of extreme weather). The purpose of the meeting is to discuss several boating issues that may result in recommendations to the Commission for regulatory amendments.**

**The specific agenda is still under development and will be posted to the Commission's website at least one week in advance of the meeting (<http://fishandboat.com/minutes.htm>).**

**Anyone planning to attend should RSVP to Mikki Shuster at [mishuster@pa.gov](mailto:mishuster@pa.gov).**

Contact: Laurel L. Anders (BLA), 717-705-7849, [landers@pa.gov](mailto:landers@pa.gov)



**Rhode Island (convenes January 6 and adjourns ? - to be determined)**

- + Requires boater education for all operators born after 1/1/1986.
- + Under 13 for child life jacket use.

**South Carolina (convenes January 13 and adjourns June 4)**

- ***Boater education requirement applies only to operators age 16 and younger.***
- + Under 12 for child life jacket use.

Contact: Col. Alvin Taylor, DNR, 803-734-3995, [taylora@dnr.sc.gov](mailto:taylora@dnr.sc.gov)

**South Dakota (convenes January 13 and adjourns March 30)**

- ***No boater education requirements.***
- ***Under 7 for child life jacket use.***

BLA reports only one bill related to boating this legislative session:  
SB-60 to revise certain provisions regarding the titling and licensing of boats and motor vehicles and to establish certain penalties for violation of those provisions.

Contact: Brandon Gust (BLA), 605-256-5005, [brandon.gust@state.sd.us](mailto:brandon.gust@state.sd.us)

**Tennessee (convenes January 13 and adjourns mid-April)**

- + Requires boater education for operators born after 1/1/1989.
- + 12 and Under for child life jacket use.

Contact: Darren Rider (BLA), 615-781-6669, [darren.rider@tn.gov](mailto:darren.rider@tn.gov)

**Texas (convenes January 13 and adjourns June 1)**

- + Requires boater education for all operators born on or after 9/1/1993
- + Under 13 for child life jacket use.

BLA reports "just some minor corrections for the Texas Regulations. HB 1395 amended the Texas Water Safety Act to provide mandatory boater education while removing the over 18 exemption. This legislation created a slow phase in of mandatory education. In 2014, we picked up the 21 year olds."

Contact: Cody Jones (BLA), 512.389.4624, [cody.jones@tpwd.texas.gov](mailto:cody.jones@tpwd.texas.gov)

**Utah (convenes January 26 and adjourns March 12)**

- ***No boater education requirements except for personal watercraft.***
- + 12 and Under for child life jacket use.

In 2008, the House defeated a bill requiring operators of boats with engines in excess of 50 hp to be licensed and complete a mandatory boating safety education course. Utah AAA and other insurers led a mandatory boater education coalition. Since then, there has been no repeat effort.

Contact: Ty J. Hunter (BLA), 801-440-5106, [tyhunter@utah.gov](mailto:tyhunter@utah.gov)  
Rolayne Fairclough, AAA UTAH, 801-238-1265; [Rolayne\\_Fairclough@csaa.com](mailto:Rolayne_Fairclough@csaa.com)

**Vermont (convenes January 7 and adjourns ? - to be determined)**

- + Requires boater education for all operators born after 1/1/1974.
- + Under 12 for child life jacket use.

**Virginia (convenes January 14 and adjourns February 13)**

- + Requires boater education for all ages by 7/1/2016
- + ***No requirement for child life jacket use.***

**Two bills have been prefiled for 2015 session that are of some interest to the Virginia Safe Boating Alliance.**

**HB 1298 by Delegate Morris, would prohibit stopping any boat without probable cause. Alliance has some safety concerns.**

**HB 1324 by Delegate Cole to grant exceptions to the mandatory boater education law for some designated individuals. Alliance seems to have no problem with these exemptions BUT sees the bill as a potential vehicle for Senator Stuart to attached his previous proposal (SB 52) to exempt older boaters from the law. They will be watching this one very closely.**

In 2013, companion bills (H.B. 650 - Delegate Margaret Ransome (R) and S.B. 52 - Senator Richard Stuart (R) would have exempted persons 45 years of age and older on July 1, 2014, from having to pass a boating safety education course in order to operate a motorboat if they possess a currently valid motorboat registration certificate.

Since this kind of exemption would gut the existing Virginia boater education law, these measures were strongly opposed by the Virginia Safe Boating Alliance and others. They were defeated in both House and Senate committees.

However, the proposal was successfully brought forward on House and Senate floors and passed. Then the Governor struck the portion of the bill that would have gutted the education program. His line-item veto was overturned. He then vetoed the entire re-enrolled bill. This veto was not subject to further action.

So, Virginia's excellent boater education program is okay for now.

**However, it is expected that similar proposals to change the program will be attempted in 2015.**

As for child life jacket use requirements, companion bills (Senate Bill 93 and House Bill 168) were introduced in 2010 to require life jacket wear for children ages 12 and younger in the Commonwealth of Virginia. SB 93 was voted out of the full Senate by a 30-10 vote. HB 168 was voted out of the House Committee on Agriculture, Chesapeake and Natural Resources on by a 19-3 vote. However, upon receipt on the House floor, the bill was referred to the Committee on Militia, Police and Public Safety where it was

effectively tabled for the 2010 session. After this narrow defeat, the Virginia Safe Boating Alliance did not push for action on a child life jacket law in 2011 or 2012 or 2013 or 2014.

**Future action on PFDs is uncertain.**

Contact: Thomas Guess (BLA), 804-367-8693, [tom.guess@dgif.virginia.gov](mailto:tom.guess@dgif.virginia.gov);  
Bruce Dungan; [11dunganb@jetbroadband.com](mailto:11dunganb@jetbroadband.com)

**Washington (convenes January 12 and adjourns April 27)**

- + Requires boater education for all ages by 2014.
- + 12 and Under for child life jacket use.

**BLA notes that the only change to report from the Washington State 2014 session is that BUI was added to the list of what would constitute a prior offense for a DUI conviction. See: [RCW 46.61.5055 Alcohol and drug violators](#) — Penalty schedule. Subsection 14.a.iv.**

BLA had previously reported that with the passage of SB 6014 "we cleaned up our BUI law by removing language regarding implied consent as it applies to blood draws.

SB 6014 amends RCW 79A.60.040. The amendments remove provisions of the law that apply implied consent to blood draws without a search warrant. The changes make the law consistent with the Supreme Court ruling on Missouri vs. McNeely.

On another note, our partners at the Department of Health received a grant (from the CDC I think) to do a formal policy evaluation of our BUI law (as changed last year with SB 5437 - making it a gross misdemeanor, adding implied consent and adding a \$2k civil penalty for refusal -- to determine if it is meeting the goals. They attended training in DC and are now actively working on gathering data and developing a logic model to map out our goals and performance measures.

We had expected a bill that would provide for a boating education endorsement on the Washington State Drivers License but due to concerns expressed by boating groups, that bill was not introduced but there is interest in pursuing discussions in the interim.

Also note that In Washington's 200-foot Orca Whale buffer zones, the following are not considered "vessel(s)": inner tubes, air mattresses, sailboards, and small rafts, or flotation devices or toys customarily used by swimmers. Violation of an Orca buffer zone now carries a fine of \$500 in addition to any statutory assessments that may apply. And, persons arrested due to accidents resulting in personal injury or fatality, as well as persons under suspicion of operating under the influence of THC, may be subject to a blood test with the consent of the arrested person and a valid waiver of the warrant requirement or without the consent of the person so arrested pursuant to a search warrant or when exigent circumstances exist.

Contact: Wade Alonzo (BLA), [Wade.Alonzo@PARKS.WA.GOV](mailto:Wade.Alonzo@PARKS.WA.GOV)

**West Virginia (convenes January 14 and adjourns March 15)**

- + Requires boater education for all operators born after 12/31/1986.
- + 12 and Under for child life jacket use.

**Wisconsin (convenes January 5 and adjourns ? - to be determined)**

- + Requires boater education for all operators born after 1/1/1989
- ***No requirement for child life jacket use.***

Two bills (Senate Bill 162 and Assembly Bill 219) were introduced in 2010 and carried over into 2011. Originally, both bills required the wear of life jackets for children ages 12 and under. However, SB 162 was amended to require the wear of life jackets for children ages 10 and under. AB 219 was passed by the Wisconsin Assembly and referred to the Senate. New information indicated that the Senate sponsor of the amendment to SB 162 for the lower age had withdrawn his amendment. It was expected that the Senate and Assembly leadership would approve a bill within two weeks. Senate Committee on Transportation, Tourism, Forestry and Natural Resources voted 5 to 2 to pass AB 219. This bill (life jacket wear for children ages 12 and under) was now available to be scheduled for a vote by the full Senate. On the Assembly side, SB 162 was amended from life jacket wear for children ages 10 and under to ages 12 and under. Thus, both the Senate and Assembly bills had the identical age for children to wear life jackets. However, that session's Senate Majority Leader did not allow AB 219 to move forward to a final vote by the Wisconsin Senate.

Although there was high hope that further action and passage would take place in 2012, this did not happen due largely to the volatile political battles in the state. There was also hope that the original bill sponsors (Representative Fred Clark and Senator Jessica King) would introduce and champion companion bills in the 2013 session. This did not happen. **And no action was taken in 2014.**

**Future action on PFDs is uncertain.**

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**Wyoming (convenes January 13 and adjourns late-February)**

- ***No boater education requirements.***
- + 12 and Under for child life jacket use.

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**Official positions of the U.S. Coast Guard are available on USCG Auxiliary's website at [www.legislative.auxnaco.org](http://www.legislative.auxnaco.org)**

**Information on state and federal legislation is available on BoatUS's website at [www.boatus.com/gov/](http://www.boatus.com/gov/)**

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