

NRBSC legislative report as of 6-12-13

From P/C Gale Alls, JN

Boater Education and Child Life Jacket Use

Here's the current status (as of June 12, 2013) of state laws on two issues:

- (1) Mandatory 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, eight (8) states (Alaska, Arizona, California, Idaho, Maine, South Dakota, Utah, Wyoming) have virtually no boater education requirement. Fourteen (14) other states are without education laws for all boaters.

Here also is the latest information and activity on these issues and some other boating safety issues and prospects for 2013 as discussed at the June 12 meeting of the National Recreational Boating Safety Coalition. Complete minutes will be distributed later.

The coalition's next meeting will be November 6, 2013.

Because of the current economic crisis at all government levels, there has not been a lot of legislative action in 2013. However, note activity in California, Connecticut, Florida, Georgia, Indiana, Kansas, Massachusetts, Michigan, New Mexico, New York, Ohio, Pennsylvania and Washington.

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 and Steve Blackistone at Blackis@ntsb.gov.

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

Alabama (2013 legislature convenes February 5 and adjourned May 20)

+ 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.

Contact: Col. Walter S. Thompson (BLA), 334-353-2628,
steve.thompson@dcnr.albamba.gov;

David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

Alaska (convenes January 15 and adjourned April 14)

- *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

Arizona (convenes January 14 and adjourned May 23)

- *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: Kevin Bergerson (BLA), 623-236-7383, kbergerson@azgfd.gov

Arkansas (convenes January 14 and adjourned April 17)

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

+ 12 and Under for child life jacket use.

California (convenes December 3, 2012 and adjourns September 13, 2013)

- *No boater education requirements.*

+ *Under 13 for child life jacket use.*

S.B. 427, introduced by Senator Bill Monning (D), would amend Under 13 for child life jacket use wear by expanding the definition of vessel to include every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on the water.

Public hearing was held on 4-23-13. Generally, measures are acted upon during their public hearings if they are to be considered by the committee. Action will be taken at the discretion of the chairman.

Contact: Sylvia Hunter (BLA), 916-263-4326; sylvia.hunter@dbw.ca.gov.
Jerry Desmond, Jr., Director of Government Affairs, RBOC, 916-441-4166

Colorado (convenes January 9 and adjourned May 7)
- Boater education requirement applies only ages 15 and under.
+ Under 13 for child life jacket use.

Contact: Colorado: Brian Sandy (BLA), 303.791.1954, brian.sandy@state.co.us

Connecticut (convenes January 9 and adjourned June 5)
+ Requires boater education for all ages.
+ 12 and Under for child life jacket use.

BLA reports that Connecticut Department of Energy and Environmental Protection has been trying to get online education approved in Connecticut (HB 6541). However, they have just been informed that a substitute bill, which came out of the Environment Committee, stripped the online boating education but allowed online hunting education to proceed.

DEEP also is putting forth a bill to overhaul its abandoned boat legislation (HB 1017) to create a more transparent system for the public which is web based and simpler to use. It has been designed to be expanded in the event of a mass displacement event and addresses emergency management.

Finally, they opposed HB 5811 that would allow vessels with electric motors on inland waters of the state with horsepower restrictions of 10 hp or less from being required to have a boating certificate. However, the Connecticut Marine Trades supported it and it moved out of committee.

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

Delaware (convenes January 8 and adjourns June 30)
+ Requires boater education for all operators born after 1/1/1978.
+ 12 and Under for child life jacket use.

Florida (convenes March 5 and adjourned May 3)

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

- *Under 6 for child life jacket use.*

BLA reports that there is a bill getting some movement which would create some additional regulation for the operation of parasail businesses (mostly creates restrictions under certain weather conditions and adds an insurance provision).

There is also a DUI bill moving which would re-define "impairment" and make it clear that operating a vehicle while impaired by prescription or "designer" drugs is illegal. The department is prepared to ask that the state's BUI law be modified to stay consistent with the changes to the DUI law should they occur.

They are also asking that the state law which adopts the federal Navigation Rules be updated to better match the current version of the rules. This is really more of a "clean-up" effort.

And there is a bill which would restrict boat operators from towing persons on skis or other aquaplaning devices within 150 feet of fixed objects and would require that any person under 18 who is operating a boat while towing a person to be accompanied on the boat by a person 18 or older.

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

Georgia (convenes January 14 and adjourned April 4)

+ Requires boater education for all operators born after 1-1-1998.

+ *Under 13 for child life jacket use.*

Governor as signed SB 136 (Boater Safety), aka the "Kile Glover Education Law" and "Jake and Griffin BUI Law," changes the boating under the influence and hunting under the influence legal limit from .10 to .08, increases the age for mandatory personal floatation wear to Under 13, and introduces a mandatory education requirement (integrated through a 1998 'born on' date).

Effective date: May 15, 2013

He also signed HB 497 (Boater Registration) which simplifies the state vessel registration process when transferring ownership of a vessel.

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

Hawaii (convenes January 16 and adjourned May 2)

+ Requires mandatory boating education for all boat operators starting 11/10/14.

+ Under 13 for child life jacket use.

Neil Abercrombie, the governor of Hawaii, has signed a new rule that requires all boat operators to complete a boating safety course to operate a power driven vessel in Hawaii state waters. The rule was previously developed and approved by the Board of Land and Natural Resources (BLNR) after they received testimony in support from long-time boaters as well as from boating safety instructors from the Hawaii Sail and Power Squadron.

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

Idaho (convenes January 14 and adjourned April 15)

- 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 jacket use.

A regulatory initiative to change Idaho's recreational boating education law has been tabled until changes can be made in line with a "quick phase-in" program.

SB 1092 (mandatory boating education) was introduced during the 2011 session but failed to make any progress.

Contact: Dave Dahms (BLA), 208-514-2412, ddahms@idpc.idaho.gov

Illinois (convenes January 9 and adjourns January 7, 2014)

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

+ 12 and Under for child life jacket use.

The Illinois Boating Safety Education Coalition, which includes the Coast Guard and Coast Guard Auxiliary, the United States Power Squadrons, the Chicago Police Department, several yacht clubs, and others, continues to seek a sponsor for legislation for mandatory boating safety education for all boaters. Most recently, the Coalition has been seeking specific data and statistics on Illinois boating accidents.

FYI, during the 2010 session, Senate Bill 3060, a bill that would require most adults to wear lifejackets while underway alone on boats under 26', was voted down 73-32 by the state Assembly.

Contacts: Joe Morelock (BLA), 217-782-5828, joe.Morelock@illinois.gov, and Don Koster, Chicago Yachting Association and Chair, Illinois Boating Safety Education Coalition, 708-921-1363, koster43@sbcglobal.net and Fred Poppe, Secretary, Illinois Boating Safety Education Coalition, poppe.dfx@sbcglobal.net and Capt. William Russell, International Shipmasters Lodge 3, ismashipcaptain.@aol.com

Indiana (convenes November 20, 2012 and adjourned April 29, 2013)

- ***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: Maj. Michael Portteus (BLA), 317-233-3847, MPortteus@dnr.IN.gov

Iowa (convenes January 14 and adjourned May 3)

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

+ 12 and Under for child life jacket use.

Contact: Diane Ford, DNR Legislative Liaison, 515-281-6341; diane.ford@dnr.iowa.gov

Kansas (convenes January 14 and adjourned May 30)

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

+ 12 and Under for child life jacket use.

BLA reports that they have a bill that has passed both the house and senate which would increase the time period an officer needs to acquire a chemical test for a BUI suspect from 2 hours to 3.

The other most important bill that they have worked on for about 11 years has passed through the house committee. It would lower the property tax assessed to vessels from the 30% value X the mill levy that is current to 5% by 2015. It would be at 11.5% in 2014. They feel this would bring their Kansas registrations back instead of going to Oklahoma.

Contact: Dan Heskett (BLA), 620-672-0758, dan.hesket@ksoutdoors.com

Kentucky (convenes January 8 and adjourned March 21)

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

+ Under 12 for child life jacket use.

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

Louisiana (convenes April 8 and adjourned June 6)

+ Requires boater education for operators born after 1/1/1984.

+ 16 and Under for child life jacket use.

Maine (convenes December 5, 2012 and adjourns June 19)

- *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.

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

Maryland (convenes January 9 and adjourned April 8)

+ Requires boater education for all operators born after 7/1/1972.

+ Under 13 for child life jacket use.

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

Massachusetts (convenes January 2 and adjourns December 31)

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

+ Under 12 for child life jacket use.

In 2011, HB 2913 (mandatory boating education) was introduced by Representative John Fresole (Worcester) as a replacement for HB 2244. The Joint Committee on Public Safety and Homeland Security held a hearing on the bill but took no further

action. The previous bill (HB 2244) lost its champion Representative Paul Kujawski in the November 2010 election. As way of history, HB 2244 was voted out of the Joint Committee on Public Safety and Homeland Security in 2010, concurred by the House and Senate with a favorable report and made it to the House Ways and Means Committee where it died for lack of any further action. The initiative is supported by a coalition which includes the United States Coast Guard Auxiliary, the United States Power Squadrons, the Massachusetts Harbormasters Association, the Massachusetts Marine Trades Association, the National Boating Federation, the NTSB, and the PWIA.

Also, HB 646, requiring the wear of PFDs for all persons aboard small vessels under 20-feet, was introduced by Representative deMacedo. It was tabled on April 8 by the Chair of the Joint Committee on Public Safety and Homeland Security.

Contact: Merri A. Walker (BLA), 508-366-6420, merri.walker@state.ma.us

Michigan (convenes January 9 and adjourns December 31)

- *Boater education requirement applies only to operators 15 and younger.*
- *Under 6 for child life jacket use.*

Rep. Matt Lori has introduced H.B. 4442, which would lower the per se BAC limit for boating under the influence from 0.10 to 0.05.

The governor signed into law last spring a bill that prohibits state and local law enforcement from pulling over boaters without cause. The bill number is: HB 5110
<http://www.legislature.mi.gov/documents/2011-2012/billconcurrent/House/pdf/2011-HCB-5110.pdf>

The chair of the Waterways Commission, Gary Marowske, has a new plan to combat low water levels and dredge many inland and Great Lakes harbors by requiring state registrations for non-motorized watercraft.

<http://greatlakesecho.org/2012/11/15/commission-considers-requiring-michigan-canoe-kayak-owners-to-pay-to-register-craft/>

Michigan has a number of bills currently in the legislative process related to dredging. These vary from bills that relax or streamline permit processes to bills that change the eligibility for use of certain funds (Natural Resources Trust Fund) to allow for dredging activities.

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

Minnesota (convenes January 8 and adjourned May 20)

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

For several years, a prominent Senator has been expressing interest in sponsoring mandatory boater education legislation for all ages, but nothing has been introduced.

Contact: Kim Elverum (BLA), 651-259-5343, kim.elverum@dnr.state.mn.us

Mississippi (convenes January 8 and adjourned April 7)

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

Missouri (convenes January 9 and adjourned May 30)

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

H.B. 225 (PFD requirements), Rep. T.J. Berry (R), requires a child younger than eight years of age to wear an approved device when on board any watercraft that is not fully enclosed. Also, requires such child protection when wading or swimming in navigable public waters more than three feet deep when not under the supervision of a lifeguard.

While this measure was filed (1-17-13), it was not referred to a committee for consideration. It died with adjournment.

Contact: Major Thomas E. Roam (BLA), 573.751.3333,
tommy.roam@mshp.dps.mo.gov

Montana (convenes January 7 and adjourned April 27)

- *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

Nebraska (convenes January 8 and adjourned May 30)

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

LB 63, introduced by Sen. Schilz, would credit the state's Game Fund (pretty much a general fund) with one-half of the proceeds of the sales and use taxes derived from the sale or lease of motorboats. The monies would be used in a program that would control aquatic invasive species. State boating agency supports the legislation but it has not yet passed all the hoops to become law.

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

Nevada (convenes February 4 and adjourned June 3)

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

New Hampshire (convenes January 2 and adjourns July 1)

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

New Jersey (convenes January 8 and adjourns January 13, 2014)

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

New Mexico (convenes January 15 and adjourned March 16)

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

BLA reports that they had several bills in play over the last 60-day session. First one would have created Homicide by Boat as a 3rd degree felony with enhancements based on BAC and previous DWI's convictions. Second was a Boat Accident Reporting bill that would have required immediate accident reporting and would have made operator reports admissible in court along with some other good measures as well. Unfortunately, both of these bills ran out of time in Judiciary committees.

However, they did pass 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 our officers.

Contact: Toby Velasquez (BLA), 505-476-3369, toby.velasquez@state.nm.us

New York (convenes January 9 and adjourns January 7, 2014)

- *Boater education requirement applies only ages 17 and under.*
- + Under 12 for child life jacket use.

BLA reports that it now appears as though there may be a bill before the governor concerning phased-boater education requirements. Presently Assembly bill 3471 has passed while the Senate version (SB 1639) is awaiting a floor vote. These bills would require boaters born on or after 5/1/96 to take a course in boater safety and gradually ratchet-up the born-after year thereafter. Provisions for new boat buyers and liveries are included. A bill could be before the governor before

the end of the month. However, such action needs to take place before 6/21, since after that date the legislature seems to "close down" except for essential legislation.

S.B. 1442 (PFD requirements) prefiled 12/28/2012 by Senator John Flanagan (R), would prohibit the owner or operator of a rowboat, canoe, or kayak from operating the vessel unless each person on board is wearing a securely fastened United States Coast Guard approved wearable personal flotation device of an appropriate size when such vessel is underway.

It is expected this bill will be referred to the Senate Cultural Affairs, Tourism, Parks and Recreation Committee. The sponsor introduced similar legislation during the 2011 session (S.B. 7288) but it failed to advance out of the second chamber.

Contact: Brian Kempf (BLA), 518-474-0445; brian.kempf@oprhp.state.ny.us;
David Dickerson, NMMA, (202) 737-9761, ddickerson@nmma.org

North Carolina (convenes January 30 and adjourns August 7)

- ***Boater education requirement applies only to operators age 26 and younger.***
- + Under 13 for child life jacket use.

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

North Dakota (convenes January 8 and adjourned May 1)

- ***Boater education requirement applies only to operators age 15 and younger.***
- ***10 and Under for child life jacket use.***

BLA reports that this bill (HB 1141) was proposed by someone who was ticketed for this violation. One person doesn't like something..and boom, they change the law. They have a lot of smaller lakes which are very congested at times from recreational activities.

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 action taken.

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

Ohio (convenes January 7 and adjourned December 31)

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

The House has passed 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. Awaits further consideration in the Senate.

Contact: Roger Norcross (BLA), 614-265-6476, roger.norcross@dnr.state.oh.us;
David Dickerson, NMMA, (202) 737-9761, <mailto:ddickerson@nmma.org>;

Oklahoma (convenes February 4 and adjourned May 31)

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

Contact: Capt Mike Mize (BLA), 918.247.2001, mmize@dps.state.ok.us

Oregon (convenes February 4 and adjourns June 29)

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

Pennsylvania (convenes January 1 and adjourns January 7, 2014)

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

BLA reports that the Pennsylvania Fish and Board Commission (PFBC) has been working on the Oil Company Franchise Tax (OCFT) to ensure that Pennsylvania waters fairly benefit from taxes paid by boaters rather than having those funds directed to the repair of bridges and roadways.

SB, PN 1162 directs the portion of the OCFT that is attributable to motorboat fuel to the PFBC for the systematic improvement and management of infrastructure and operations that support boaters. As of June 10, the bill has passed the Senate and is awaiting consideration in the House.

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

Rhode Island (convenes January 1 and adjourns June 24)

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

South Carolina (convenes January 8 and adjourned June 6)

- ***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, taylor@dnr.sc.gov

South Dakota (convenes January 8 and adjourned March 27)

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

- ***Under 7 for child life jacket use.***

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

Tennessee (convenes January 8 and adjourned May 17)

+ Requires boater education for operators born after 1/1/1989.

+ 12 and Under for child life jacket use.

BLA reported that they were tracking over 100 bills – however there were only 15 bills that could have any effect on their Agency and they seemed to be caption bills that they do not think are a huge threat – and all of them pertain to the wildlife side of the house and nothing on the boating side of the house.

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

Texas (convenes January 8 and adjourned May 27)

+ Requires boater education for all operators born after 9/1/1984.

+ Under 13 for child life jacket use.

Proposals, such as HB 1395 (2011), to strengthen the state's existing boater education law are being discussed.

Contact: Cody Jones (BLA), 512.389.4624, cody.jones@tpwd.state.tx.us

Utah (convenes January 28 and adjourned March 14)

- ***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.

There was no legislation in Utah related to boating in the 2013 session.

Contact: David Harris (BLA), 801-556-1058, daveharris@utah.gov
Rolayne Fairclough, AAA UTAH, 801-238-1265; Rolayne_Fiarclough@csaa.com

Vermont (convenes January 9 and adjourns May 31)

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

Virginia (convenes January 9 and adjourned February 23)

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

Two 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. The Virginia Safe Boating Alliance did not push for action on a child life jacket law in 2011 or 2012.

Upon advice from legislative leadership and the fact that the 2013 session was very short, the Alliance decided to postpone any further attempts for action on this issue until the 2014 session.

However, without any encouragement from the Alliance, House Bill 1597 (PFDs for children 12 and younger) was introduced by Delegate Ward (D) on 1-6-13. It died in committee.

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

Washington (convenes January 14 and adjourned April 24)

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

Boating under the influence (BUI) of alcohol and other mind-altering substances is currently classified as a misdemeanor but as of July 28, the classification will upgrade to gross misdemeanor.

BLA reports that they have been working with their partners at the Washington Association of Sheriffs and Police Chiefs (WASPC) on a four part omnibus bill. It was decided that the piece on mandatory wear for human powered vessels would be

removed from the bill and worked over the course of 2013 because they still do not have consensus on it. Since they will be working with the non-motorized community over the next year on other issues, they will include that in the discussion. They will also review what other states have done in this regard.

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

West Virginia (convenes January 9 and adjourned April 13)

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

Wisconsin (convenes January 7 and adjourns January 13, 2014)

- + 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 hope that the original bill sponsors (Representative Fred Clark and Senator Jessica King) would introduce and champion companion bills in the 2013 session. This has not happened.

It is now unlikely that any action will take place in 2013.

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Wyoming (convenes January 8 and adjourned March 1)

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

There may be an attempt to impose a boater education requirement by regulation instead of by legislation.

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Official positions of the U.S. Coast Guard are available on USCG Auxiliary's website at www.legislative.auxnaco.org

Information on state and federal legislation is available on BoatUS's website at www.boatus.com/gov/

6-12-13

RECREATIONAL BOATING SAFETY REQUIREMENTS and LEGISLATIVE ACTIVITY