

February 3, 2009

**H 39. REQUIRE BOATING SAFETY EDUCATION.** Filed 2/3/09. *TO IMPROVE BOATING SAFETY BY REQUIRING BOATING SAFETY EDUCATION PRIOR TO OPERATING A VESSEL WITH A MOTOR OF TEN HORSEPOWER OR GREATER, AS RECOMMENDED BY THE JOINT SELECT COMMITTEE ON MANDATORY BOATING SAFETY EDUCATION.*

Enacts GS 75A-16.2 as the title indicates. Enumerates a variety of options under which a person may meet the compliance requirements for boating safety education. Among these options are completing and passing a boating safety course, passing a proctored exam that covers the information included in an approved course, and various licensing and certification requirements.

Requires that a person operating a vessel with a motor of 10 horsepower or greater on the state's waters must present a certification card or proof that the person is in compliance with the boating safety education requirements upon the request of a law enforcement officer.

Grandfathers in the enforcement of the requirement for boating safety education based on the age of the vessel operators as follows, but requires all vessel operators, regardless of age, to meet the requirements by July 11, 2016.

<b>Age of vessel operator</b>	<b>Date by which must meet the minimum requirements</b>
20 years or younger	July 11, 2011
30 years or younger	July 11, 2012
40 years or younger	July 11, 2013
45 years or younger	July 11, 2014
50 years or younger	July 11, 2015
Any age	July 11, 2016

Violating the boating safety requirements is an infraction as defined in GS 14-3.1 (a noncriminal violation of law not punishable by imprisonment) and punishable by assessing a \$100 penalty; however, no court costs may be assessed for the violation. Provides that a person, who at trial, can show the court a certification card or proof that the person has completed and passed a boating safety course in compliance with the requirements may not be convicted of a violation of this proposed section.

Prohibits any unit of local government from enacting any ordinance or rule relating to boating safety education and specifies that the proposed law preempts all existing ordinances or rules.

Amends GS 75A-13.3(b) regarding requirements for the operation of personal watercraft by persons at least 14 years of age but less than 16 years of age. Requires that a person within that age range (1) be accompanied by a person who is at least 18 years of age and who is in compliance with proposed GS 75A-16.2 (was, be accompanied by a person who is at least 18 years old); or (2) possess a boating safety certification card, proof of other satisfactory completion of a boating safety education course approved by the National Association of State Boating Law Administrators or proof of other boating safety education in compliance with proposed GS 75A-16.2 and produce that proof upon the request of an officer of the Wildlife Resources Commission or local law enforcement agency.

Effective when the bill becomes law except that enforcement will take place on the schedule provided in proposed GS 75A-16.2.

**Intro. by Wray.**

GS 75A