

NASBLA MODEL ACT FOR MANDATORY BOATING SAFETY EDUCATION

On Oct. 1, 1986, the membership of the National Association of State Boating Law Administrators directed the NASBLA president to assign to committee the task of drafting model national guidelines for mandatory boat safety education. The following year, the NASBLA membership approved the resolution for those guidelines.

The national guidelines approved in 1987 eventually formed the basis for development of a NASBLA model act for mandatory boating safety education. The act presented here originally had been adopted by the NASBLA membership on Sept. 13, 2000. In 2005, however, the NASBLA Education Committee approved and recommended an updated version as part of the Association's Model Act Review and Standardization Project. The model act was approved in revised form by the membership on Sept. 21, 2005.

Applicable to persons born after a given date, the act is intended to require motorboat operators to have and present evidence of successful completion of a NASBLA-approved course on safe boating (or an equivalency examination) or to otherwise meet the operator requirements as provided in the act. It further prohibits motorboat rental and leasing businesses from renting or leasing such a vessel to persons who cannot meet the act's requirements.

See also the NASBLA Model Act for Vessel Operator Licensing, also originally adopted by the membership on Sept. 13, 2000, and subsequently revised and approved by the membership on Sept. 21, 2005, as part of the aforementioned Review Project.

1 Section 1. [Short Title.] This act may be cited as the Mandatory Boating Safety Education Act.

1 Section 2. [Definitions.] As used in this act:

2 (1) "Agency" means [insert name of agency designated by the legislative body to administer
3 the act].

4 (2) "Certificate" means a boating education safety certificate issued as evidence of successful
5 completion of a course in safe boating or successful passage of an equivalency examination.

6 (3) "NASBLA" means the National Association of State Boating Law Administrators.

7 (4) "Operate" or "Operating" means to navigate or otherwise control the movement of a vessel,
8 including control of the vessel's propulsion system.

9 (5) "Operator" means the person who navigates or is otherwise in control or in charge of the
10 movement of a vessel, including control of the vessel's propulsion system.

11 (6) "Person" means any natural person or individual.

12 (7) "Motorboat" means a recreational vessel propelled in whole or in part by machinery,
13 including a recreational vessel temporarily equipped with a detachable engine.

14 (8) "Vessel" means every description of watercraft, other than a seaplane, used or capable of
15 being used as a means of transportation on the water.

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(9) “Waters of the state” means any waters within the jurisdiction of the state.

Section 3. [*Operator Requirements.*] A person born on or after [January 1, 19__] shall not operate a motorboat on any waters of this state unless the operator:

(1) Has successfully completed a course in safe boating that is approved by the National Association of State Boating Law Administrators and certified by the state or passed an equivalency examination if the examination was proctored and tests the knowledge of information included in the curriculum of such a course; and has received a certificate as evidence of successful completion of the NASBLA-approved and state-certified course or passage of the equivalency examination; or

(2) Possesses a valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 CFR Part 10 or a marine certificate issued by the Canadian government; or

(3) Possesses a state-approved non-renewable temporary operator’s permit to operate the motorboat which is valid for [60] days and was issued with the certificate of number for the motorboat if the boat is new or was sold with a transfer of ownership; or

(4) Possesses a rental agreement or lease agreement provided pursuant to Section 5 of this act, which lists the person as an authorized operator of the motorboat; or

(5) Is not a resident of this state, is temporarily using the waters of this state for a period not to exceed [60] days, and meets any applicable requirements of the state of residency or possesses a Canadian Pleasure Craft Operator’s Card; or

(6) Is a person who operates a vessel under supervised training, as authorized by the state.

Section 4. [*Compliance; Penalties for Violation.*]

(a) A person who is operating a motorboat on any waters of this state and who is stopped by a law enforcement officer in the enforcement of this act or the regulations adopted pursuant thereto shall present to the officer evidence that the requirements of Section 3 of this act have been met. Failure to present the evidence that the requirements of Section 3 of this act have been met shall constitute prima facie evidence of a violation of Section 3 of this act.

(b) A person who alters, forges, counterfeits or falsifies a certificate or other document used as evidence that the requirements of Section 3 have been met; or who possesses a a certificate or other document that has been altered, forged, counterfeited or falsified; or who loans or permits their certificate or other document to be used by another person shall be guilty of a [insert offense].

(c) A person who fails to present the certificate or other document as evidence that the requirements of Section 3 have been met is guilty of [insert offense] unless the person presents the required documents in [insert court name] that prove the person was operating the motorboat in compliance with this act on the date of the violation.

(d) In any proceeding for a violation of this act, the [insert court name] may suspend all or part of the fine to be imposed on the defendant if the defendant completes the safe boating education course approved by NASBLA and certified by the state within the time limits imposed by the [insert court name].

(e) The [insert court name] may prohibit a person who is found to have violated any of the

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provisions of this act from operating a motorboat upon the waters of this state until the person successfully completes the safe boating education course approved by NASBLA and certified by the state.

Section 5. [*Requirements for Motorboat Rental and Leasing Businesses.*]

(a) A person or the person's agent or employee engaged in the business of renting or leasing motorboats for a period not exceeding [30] days shall not rent or lease a motorboat to any person for operation on the waters of this state unless the person:

(1) Meets the provisions of Section 3 of this act; and

(2) Is [18] years of age or older.

(b) A person or the person's agent or employees engaged in the business of renting or leasing motorboats shall list on each rental or lease agreement for a motorboat the name and age of each person who is authorized to operate the motorboat. The person to whom the motorboat is rented or leased shall ensure that only those persons who are listed as authorized operators are allowed to operate the motorboat.

(c) A person or the person's agent or employee engaged in the business of renting or leasing motorboats shall provide to each authorized operator of a motorboat a summary of the statutes and regulations governing the operation of a motorboat and instructions regarding the safe operation of the motorboat. Each person who is listed as an authorized operator of the motorboat shall review the summary of the statutes, regulations and instructions before the motorboat departs from the rental or leasing office.

Section 6. [*Adoption of Rules and Regulations.*] The agency may adopt necessary regulations to carry out the provisions of this act, including provisions for issuance of certificates, duplicate certificates, record keeping, cooperative agreements, name and address changes, the establishment of fees for boating safety courses and certificates, and equivalency exam criteria.

Section 7. [*Effective Date.*] [Insert effective date.]