**RECREATIONAL BOATING SAFETY REQUIREMENTS and LEGISLATIVE ACTIVTY**

**Boater Education and Child Life Jacket Use**

**Here's the current status (as of January 9, 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. Ten (10) other states (Alabama, Florida, Georgia, 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. Fifteen (15) other states are without educations 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 January 9 meeting of the National Recreational Boating Safety Coalition. Complete minutes will be distributed later.**

**The coalition's next meeting will be April 10, 2013.**

**Because of the current economic crisis at all government levels, there was not a lot of legislative action in 2012. Moreover, several states either did not meet in 2012 or had short sessions. However, all states will have legislative sessions in 2013. Activity is anticipated in several states. Especially in Alabama, Arizona, Florida, Georgia, Indiana, Massachusetts, New York, Pennsylvania, and Wisconsin.**

**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 make additional distribution of this report, a digital copy is**

**attached.**

**Alabama (2013 legislature convenes February 5 and adjourns 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), prefiled 12/7/2012 by Rep. Joe Faust, would raise the age under which an individual must wear a flotation device from eight to 13. Outlook for passage is good since the sponsor is a member of the majority party which holds both chambers of the legislature and the office of the governor.**

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 adjourns April 14)**- ***No boater education requirements.***+ Under 13 for child life jacket use.

The state had enacted a one-year extension of their Recreational Boating Safety Program. A similar extension is expected next year. In the meantime, the Coast Guard is working with the state for a long term reauthorization of the program.

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

**Arizona (convenes January 14 and adjourns 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 adjourns 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.*

Contact: Lucia Becerra (BLA), 916-263-4326; lbecerra@dbw.ca.gov.

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

**Colorado (convenes January 9 and adjourns 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 adjourns June 5)**

+ Requires boater education for all ages.

+ 12 and Under for child life jacket use.

**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 adjourns May 3)**+ Requires boater education for all operators born after 1/1/1988*.*

- ***Under 6 for child life jacket use.***

**They are still looking at moving age to under 13.**

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

**Georgia (convenes January 14 and adjourns April 4)**

- ***Boater education requirements applies only to operators under age 15.***

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

**In response to several fatal boating accidents this summer, the Georgia legislature and Governor are expected to introduce legislation in 2013 to establish mandatory boater education, increase the PFD mandate to any child under 13 years old and possibly PWC livery education for those who rent PWC’s**.

Contact: Jeff Weaver (BLA), 706-557-3313, jeff.weaver@dnr.state.ga.us;

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

**Hawaii (convenes January 16 and adjourns May 2)**

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

+ Under 13 for child life jacket use.

**Neil Abercrombie, 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 a 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 adjourns 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 adjourns April 29, 2013)**
- ***Boater education requirement applies only to age 15 and under.***

+ 12 and Under for child life jacket use.

**Indiana’s Boating Law Administrator has proposed legislation 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. Additionally he is proposing adding implied consent to Indiana’s boating under the influence statute. These proposals have been approved by his Department.**

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

**Iowa (convenes January 14 and adjourns 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 adjourns May 30)**

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

+ 12 and Under for child life jacket use.

**Kentucky (convenes January 8 and adjourns 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 adjourns 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.***

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 adjourns 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.***

**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/billconcurred/House/pdf/2011-HCB-5110.pdf**](http://www.legislature.mi.gov/documents/2011-2012/billconcurred/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/>

Contact: Lt. Andrew Turner (BLA), 517-373-7109, turneral@michigan.gov;

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

**Minnesota (convenes January 8 and adjourns 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 adjourns 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 adjourns May 30)**

+ Requires boater education for all operators born after 1/01/1984.

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

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

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

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

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

**Nevada (convenes February 4 and adjourns 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 adjourns March 16)**

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

+ 12 and Under for child life jacket use.

**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.

**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 adjourns May 1)**

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

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

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

**Ohio (convenes January 7 and adjourns December 31)**

+ Requires boater education for all operators born after 1/1/1982.

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

**The legislature is expected to consider a bill in 2013 that mirrors the recently enacted law in Michigan prohibiting law enforcement officials from pulling over boaters without cause.**

Contact: Roger Norcross (BLA), 614-265-6476, roger.norcross@dnr.state.oh.us;

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

**Oklahoma (convenes February 4 and adjourns 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.

**A Pennsylvania Boating Advisory Board meeting has been scheduled for Thursday, February 7, 2013 from 9:00am to 3:00pm. The meeting will be held in the Susquehanna Room of the PA Fish and Boat Commission headquarters, 1601 Elmerton Avenue, Harrisburg, PA. Agenda items will be posted on the Commission’s website approximately one week in advance of the meeting. If you plan to attend the meeting, please RSVP to** **jeadavis@pa.gov** **or 717-705-7834 by January 31st. For your reference, past Boating Advisory Board and Commission meeting minutes are posted on the Commission’s website at** [**www.fishandboat.com**](http://www.fishandboat.com/)**.**

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 adjourns 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, taylora@dnr.sc.gov

**South Dakota (convenes January 8 and adjourns 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 adjourns May 17)**

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

+ 12 and Under for child life jacket use.

**Texas (convenes January 8 and adjourns 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 adjourns 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.

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 adjourns 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 will be very short, the Alliance has 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 prefiled by Delegate Ward (D) on 1-6-13. Under the current situation in the state, it is unlikely the bill will receive much support.**

Contact: Thomas Guess (BLA), 804-367-8693, tom.guess@dgif.virginia.gov;

Bruce Dungan; 11dunganb@jetbroadband.com

**Washington (convenes January 14 and adjourns April 24)**

+ Requires boater education for all ages by 2014.

+ 12 and Under for child life jacket use.

**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.Alonza@PARKS.WA.GOV

**West Virginia (convenes January 9 and adjourns 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.**

**Hopefully, the original bill sponsors (Representative Fred Clark and Senator Jessica King) will introduce companion bills in the 2013 session.**

Contact: Roy Zellmer (BLA), 608.212.5385, roy.zellmer@wisconsin.gov

**Wyoming (convenes January 8 and adjourns 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.

Contact: Carol Havlik (BLA), 307-777-4686; carol.havlik@wgf.state.wy.us

**Timely updates on state legislation 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/)

1-9-13