

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 484

Short Title: Boating Safety Education.

(Public)

Sponsors: Representatives Holt, Brawley; and Gardner.

Referred to: Transportation.

March 24, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH A BOATING SAFETY EDUCATION REQUIREMENT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 75A of the General Statutes is amended by adding a new section to read:

"§ 75A-15.1. Boating safety education.

(a) Except as otherwise provided in subsection (c) of this section, on or after January 1, 1994, a person born on or after January 1, 1978, may not operate a vessel on the waters of this State without first obtaining a certificate of boating safety education.

(b) In order to satisfy the provisions of subsection (a) of this section, a person shall (i) possess the certificate of boating safety education when operating a vessel on the waters of the State; and (ii) present the certificate upon the demand of an officer of the Wildlife Resources Commission or other law enforcement officer. The Commission shall charge a one-time fee of ten dollars (\$10.00) for each certificate issued.

(c) The following persons are exempt from the requirements of this section:

(1) A person who is operating a vessel for commercial purposes;

(2) A person who is a resident of another state and who is visiting this State for 60 days or less in a vessel that is numbered in another state if (i) the person is 16 years of age or older; and (ii) the person has been issued a boating safety certificate in accordance with subsection (h) of this section;

(3) A person who is visiting this State for 90 days or less in a vessel from a country other than the United States;

- 1 (4) A person operating a vessel on a body of water located entirely on
2 private property; or
- 3 (5) Any other person exempted by regulation of the Wildlife Resources
4 Commission.
- 5 (d) The Wildlife Resources Commission shall:
- 6 (1) Adopt regulations that establish the criteria for a course of instruction
7 in boating safety education;
- 8 (2) Administer a verbal test when appropriate;
- 9 (3) Coordinate a statewide program of boating safety instruction and
10 certification and ensure that a course in boating safety education is
11 available in each county; and
- 12 (4) Ensure that a course in boating safety education is available at the
13 earliest practicable age for children in boating communities.
- 14 (e) Any person or entity may offer a course of instruction in boating safety
15 education if approved by the Wildlife Resources Commission, including the following:
16 the United States Coast Guard Auxiliary; the United States Power Squadron; a political
17 subdivision; a municipal corporation; a State agency; a public or nonpublic school.
- 18 (f) (1) The Wildlife Resources Commission or its designee shall
19 issue a certificate of boating safety education to a person who passes
20 a course prescribed by the Commission or who passes a boating
21 equivalency examination administered by persons authorized to offer
22 a course in boating safety education. Upon request, the Commission
23 will provide, without charge, boating safety education materials to
24 persons who plan to take the boating safety equivalency
25 examination.
- 26 (2) Once issued, a certificate of boating safety education is valid for the
27 lifetime of the person to whom the certificate was issued, and may not
28 be revoked by the Commission or by a court of law. The Commission
29 shall replace, without charge, a lost or destroyed certificate if the
30 Commission issued the certificate or has a record that a certificate was
31 issued by the United States Coast Guard or the United States Power
32 Squadron.
- 33 (g) The Wildlife Resources Commission or its designee may issue a 30-day
34 temporary certificate of boating safety education to a person who signs an affidavit
35 stating that the person has read and understood the boating safety education materials
36 provided by the Commission. Upon request, the temporary certificate may be renewed
37 for one additional 30-day period.
- 38 (h) In lieu of a certificate of boating safety education issued by the Wildlife
39 Resources Commission, a license issued by the United States Coast Guard, a boating
40 safety certificate issued by a unit of the United States Coast Guard Auxiliary, the United
41 States Power Squadron, or a local board of education, or a boating safety certificate
42 issued in another state in accordance with criteria of the National Association of State
43 Boating Law Administrators is sufficient to comply with the requirements of this
44 section."

1 Sec. 2. G.S. 75A-18 is amended by adding a new subsection to read:

2 "(e) Any person who violates any provision of G.S 75A-15.1 shall be guilty of a
3 misdemeanor punishable upon a first conviction by a fine not to exceed twenty-five
4 dollars (\$25.00) and upon subsequent convictions occurring within two years of a prior
5 conviction by a fine not to exceed five hundred dollars (\$500.00)."

6 Sec. 3. This act becomes effective December 1, 1993, and applies to acts
7 committed on or after that date.