

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 1065

Short Title: Boating Safety Education.

(Public)

---

Sponsors: Representative Holt.

---

Referred to: Transportation.

---

April 22, 1991

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, 1992, a person born on or after January 1, 1976, 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), 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.

(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;

(4) A person operating a vessel on a body of water located entirely on private property; or

1           (5) Any other person exempted by regulation of the Wildlife Resources  
2           Commission.

3       (d) The Wildlife Resources Commission shall:

4           (1) Adopt regulations that establish the criteria for a course of instruction  
5           in boating safety education;

6           (2) Administer a verbal test when appropriate;

7           (3) Coordinate a statewide program of boating safety instruction and  
8           certification and ensure that a course in boating safety education is  
9           available in each county; and

10          (4) Ensure that a course in boating safety education is available at the  
11          earliest practicable age for children in boating communities.

12       (e) Any person or entity may offer a course of instruction in boating safety  
13 education if approved by the Wildlife Resources Commission, including the following:  
14 the U.S. Coast Guard Auxiliary; the U.S. Power Squadron; a political subdivision; a  
15 municipal corporation; a State agency; a public or nonpublic school.

16       (f)           (1) The Wildlife Resources Commission or its designee shall  
17 issue a certificate of boating safety education to a person who passes  
18 a course prescribed by the Commission or who passes a boating  
19 equivalency examination administered by persons authorized to offer  
20 a course in boating safety education. Upon request, the Commission  
21 will provide, without charge, boating safety education materials to  
22 persons who plan to take the boating safety equivalency  
23 examination.

24           (2) Once issued, a certificate of boating safety education is valid for the  
25 lifetime of the person to whom the certificate was issued, and may not  
26 be revoked by the Commission or by a court of law. The Commission  
27 shall replace, without charge, a lost or destroyed certificate if the  
28 Commission issued the certificate or has a record that a certificate was  
29 issued by the U.S. Coast Guard or the U.S. Power Squadron.

30       (g) The Wildlife Resources Commission or its designee may issue a 30-day  
31 temporary certificate of boating safety education to a person who signs an affidavit  
32 stating that the person has read and understood the boating safety education materials  
33 provided by the Commission. Upon request, the temporary certificate may be renewed  
34 for one additional 30-day period.

35       (h) In lieu of a certificate of boating safety education issued by the Wildlife  
36 Resources Commission, a license issued by the U.S. Coast Guard, a boating safety  
37 certificate issued by a unit of the U.S. Coast Guard Auxiliary, the U.S. Power Squadron,  
38 or a local board of education, or a boating safety certificate issued in another state in  
39 accordance with criteria of the National Association of State Boating Law  
40 Administrators is sufficient to comply with the requirements of this section."

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

42           "(e) Any person who violates any provision of G.S. 75A-15.1 shall be guilty of a  
43 misdemeanor punishable upon a first conviction by a fine not to exceed twenty-five

- 1 dollars (\$25.00) and upon subsequent convictions occurring within two years of a prior  
2 conviction by a fine not to exceed five hundred dollars (\$500.00)."  
3           Sec. 3. This act becomes effective October 1, 1991.