

GENERAL ASSEMBLY OF NORTH CAROLINA

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HOUSE BILL 1209
Committee Substitute Favorable 4/27/99
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Short Title: Personal Watercraft Safety.

(Public)

Sponsors:

Referred to:

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE BOATING SAFETY BY AMENDING THE STATE LAW
REGULATING PERSONAL WATERCRAFT OPERATION TO CONFORM WITH
THE RECOMMENDATIONS OF THE NATIONAL ASSOCIATION OF STATE
BOATING LAW ADMINISTRATORS AND TO OTHERWISE IMPROVE
PERSONAL WATERCRAFT SAFETY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 75A-13.3 reads as rewritten:

"§ 75A-13.3. Personal watercraft.

(a) No person shall operate a personal watercraft on the waters of this State at any time between ~~the hours from one hour after sunset to one hour before~~ and sunrise. For purposes of this section, "personal watercraft" means a small vessel which uses an outboard or propeller-driven motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the ~~vehicle.~~ vessel.

1 (b) Except as otherwise provided in this subsection, no person under 16 years of
2 age shall operate a personal watercraft on the waters of this State, ~~nor shall~~ and it is
3 unlawful for the owner of a personal watercraft or a person who has temporary or
4 permanent responsibility for a person under the age of 16 to knowingly allow a person
5 under the age of 16 that person to operate a personal watercraft. A person of at least 13-12
6 years of age but under 16 years of age may operate a personal watercraft on the waters of
7 this State if:

8 (1) The person is accompanied by a person of at least ~~16-18~~ 18 years of age
9 who physically occupies the watercraft; or

10 (2) The person (i) possesses a boating safety certificate or a photographic
11 identification card certifying that the person has completed a boating
12 safety course approved by the United States Coast Guard Auxiliary. on
13 his or her person while operating the watercraft, identification showing
14 proof of age and a boater safety certification card issued by the Wildlife
15 Resources Commission or proof of other satisfactory completion of a
16 boating safety education course approved by the National Association of
17 State Boating Law Administrators (NASBLA); and (ii) produces that
18 identification and certification card upon the request of an officer of the
19 Wildlife Resources Commission or local law enforcement agency.

20 (c) No livery shall lease, hire, or rent a personal watercraft to or for operation by a
21 person under 16 years of age, except as provided in subsection (b) of this section.

22 (c1) It shall be unlawful for any person, firm, or corporation to engage in the
23 business of renting personal watercraft to the public for operation by the rentee unless
24 such person, firm, or corporation has secured insurance for his own liability and that of
25 his rentee, in such an amount as is hereinafter provided, from an insurance company duly
26 licensed to sell liability insurance in this State. Each such personal watercraft rented must
27 be covered by a policy of liability insurance insuring the owner and rentee and their
28 agents and employees while in the performance of their duties against loss from any
29 liability imposed by law for damages including damages for care and loss of services
30 because of bodily injury to or death of any person and injury to or destruction of property
31 caused by accident arising out of the operation of such personal watercraft, subject to the
32 following minimum limits: three hundred thousand dollars (\$300,000) per occurrence.

33 (d) No person shall operate a personal watercraft on the waters of this State, nor
34 shall the owner of a personal watercraft knowingly allow another person to operate that
35 personal watercraft on the waters of this State, unless:

36 (1) Each person riding on or being towed behind such vessel is wearing a
37 type I, type II, type III, or type V personal flotation device approved by
38 the United States Coast Guard; ~~Guard.~~ Inflatable personal flotation
39 devices do not satisfy this requirement; and

40 (2) In the case of a personal watercraft equipped by the manufacturer with a
41 lanyard-type engine cut-off switch, the lanyard is securely attached to
42 the person, clothing, or flotation device of the operator at all times while

1 the personal watercraft is being operated in such a manner to turn off the
2 engine if the operator dismounts while the watercraft is in operation.

3 (d1) No person shall operate a personal watercraft towing another person on water
4 skis or other devices unless:

5 (1) The personal watercraft has on board, in addition to the operator, an
6 observer who shall monitor the progress of the person or persons being
7 towed, or the personal watercraft is equipped with a rearview mirror;
8 and

9 (2) The total number of persons operating, observing, and being towed does
10 not exceed the number of passengers identified by the manufacturer as
11 the maximum safe load for the vessel.

12 (e) A personal watercraft must at all times be operated in a reasonable and prudent
13 manner. Maneuvers that endanger life, limb, or ~~property, including: property~~ shall
14 constitute reckless operation of a vessel as provided in G.S. 75A-10, and include:

15 (1) Unreasonably or unnecessarily weaving through congested vessel
16 traffic;

17 (2) Jumping the wake of another vessel unreasonably or unnecessarily close of
18 within 100 feet of such other vessel or when visibility around such other
19 vessel is obstructed; and

20 (3) Intentionally approaching another vessel in order to swerve at the last
21 possible moment to avoid collision-collision;

22 (4) Operating at greater than no-wake speed within 100 feet of an anchored
23 or moored vessel, the shoreline, a dock, pier, swim float, marked
24 swimming area, swimmers, surfers, persons engaged in angling, or any
25 manually operated propelled vessel; and

26 (5) Operating contrary to the "rules of the road" or following too closely to
27 another vessel, including another personal watercraft. For purposes of
28 this subdivision, "following too closely" means proceeding in the same
29 direction and operating at a speed in excess of 10 miles per hour when
30 approaching within 100 feet to the rear or 50 feet to the side of another
31 vessel that is underway unless that vessel is operating in a narrow
32 channel, in which case a personal watercraft may operate at the speed
33 and flow of other vessel traffic.

34 ~~shall constitute reckless operation of a vessel as provided in G.S. 75A-10.~~

35 (f) The provisions of this section do not apply to a performer engaged in a
36 professional exhibition, a person or persons engaged in an activity authorized under G.S.
37 75A-14, or a person attempting to rescue another person who is in danger of losing life or
38 limb.

39 ~~(g) This section applies only to that portion of the waters of the upper Catawba~~
40 ~~River found within Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, McDowell,~~
41 ~~and Mecklenburg Counties, beginning where the US Highway 221 bridge crosses the~~
42 ~~Catawba River in McDowell County and extending downstream to the Cowans Ford~~

1 ~~Dam. The provisions of G.S. 75A-13.2 shall not apply to the region covered by this~~
2 ~~section.~~

3 (h) Nothing in this section prohibits units of local government, marine
4 commissions, or local wake authorities from proscribing or regulating personal watercraft
5 pursuant to the provisions of G.S. 160A-176.2 or any other law authorizing such
6 regulation, provided that where the operation of personal watercraft is permitted the
7 regulations are not in conflict with the provisions of this section or regulate aspects of
8 personal watercraft operation that are not covered by this section."

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

10 (c1) Any boat livery that fails to carry liability insurance in violation of G.S. 75A-
11 13.3(c1) shall be guilty of a Class 2 misdemeanor and shall only be subject to a fine not
12 to exceed one thousand dollars (\$1,000)."

13 Section 3. G.S. 75A-13.2 is repealed.

14 Section 4. This act becomes effective December 1, 1999 and applies to acts
15 committed on or after that date.