
A BILL FOR AN ACT

RELATING TO MANDATORY BOATING SAFETY EDUCATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 200, Hawaii Revised Statutes, is
2 amended by adding a new part to be appropriately designated and
3 to read as follows:

4 "PART . MANDATORY BOATING SAFETY EDUCATION

5 §200-A Definitions. For the purposes of this part:

6 "Agency" means the division of boating and ocean recreation
7 of the department of land and natural resources.

8 "Certificate" means a boating education safety certificate
9 issued as evidence of successful completion of a course in safe
10 boating or successful passage of an equivalency examination.

11 "Motorboat" means a "motor-powered" recreational vessel
12 propelled in whole or in part by machinery, including a sail
13 boat or sailing catamaran temporarily or permanently equipped
14 with a motor but propelled by sail only and recreational vessels
15 temporarily equipped with a detachable engine.

16 "Operate" and "operating" means to navigate or otherwise
17 control the movement of a vessel, including control of the
18 vessel's propulsion system.



1 "Operator" means the person who navigates or is otherwise
2 in control or in charge of the movement of a vessel, including
3 control of the vessel's propulsion system.

4 "Person" means any individual.

5 "Vessel" means every description of watercraft, other than
6 a seaplane, used or capable of being used as a means of
7 transportation on the water.

8 "Waters of the State" means any waters within the
9 jurisdiction of the State.

10 **§200-B Applicability.** The provisions of this part shall
11 apply to persons who are:

- 12 (1) Less than twenty years of age on July 1, 2010;
- 13 (2) Less than thirty years of age on July 1, 2011;
- 14 (3) Less than forty years of age on July 1, 2012;
- 15 (4) Less than fifty years of age on July 1, 2013;
- 16 (5) Less than sixty years of age on July 1, 2014; and
- 17 (6) Of all ages on July 1, 2015.

18 **§200-C Operator requirements.** (a) No person shall
19 operate a motorboat on any waters of the State unless the
20 operator:

- 21 (1) Is eighteen years of age or older; and



- 1 (2) Has successfully completed a course in safe boating
2 that is approved by National Association of State
3 Boating Law Administrators and certified by the State
4 or passed an equivalency examination, if the
5 examination was proctored and tested the knowledge of
6 information included in the curriculum of an approved
7 and certified course, and the person received a
8 certificate as evidence of successful completion of
9 the course or passage of the examination;
- 10 (3) Possesses a valid license to operate a vessel issued
11 for maritime personnel by the United States Coast
12 Guard pursuant to 46 Code of Federal Regulations Part
13 10 or a marine certificate issued by the Canadian
14 government;
- 15 (4) Possesses a state-approved nonrenewable temporary
16 operator's permit to operate the motorboat that is
17 valid for sixty days and was issued with the
18 certificate of number for the motorboat if the boat is
19 new or was sold with a transfer of ownership;
- 20 (5) Possesses a rental agreement or lease agreement
21 provided pursuant to section 200-E that lists the
22 person as an authorized operator of the motorboat;



1 (6) Is not a resident of the State, is temporarily using
2 the waters of the State for a period not to exceed
3 sixty days, and meets any applicable requirements of
4 the state of residency or possesses a Canadian
5 Pleasure Craft Operator's Card; or

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

8 (b) A person under eighteen years of age shall not operate
9 a motor-powered vessel on the waters of the State unless the
10 operator complies with the requirements of subsection (a) and is
11 accompanied on board the vessel and is directly supervised by a
12 responsible adult eighteen years of age or older who holds a
13 certificate as evidence of successful completion of the National
14 Association of State Boating Law Administrators-approved and
15 state-certified course or passage of the equivalency
16 examination.

17 **§200-D Reciprocity.** The State may recognize certificates
18 issued by other states if the operator has successfully
19 completed a course in safe boating that is approved by National
20 Association of State Boating Law Administrators and certified by
21 the State or passed an equivalency examination if the
22 examination was proctored and tested the knowledge of



1 information included in the curriculum of such a course and the
2 person received a certificate as evidence of successful
3 completion of the course or passage of the examination.

4 **§200-E Requirements for motorboat rental and leasing**
5 **businesses.** Persons or entities, or their representatives, that
6 engage in the business of renting or leasing motorboats:

7 (1) Shall not rent or lease a motorboat to any person for
8 operation on the waters of the State for a period not
9 exceeding thirty days unless the person complies with
10 the requirements of section 200-C or 200-D;

11 (2) Shall list on each rental or lease agreement for a
12 motorboat the name and age of each person who is
13 authorized to operate the motorboat. The person to
14 whom the motorboat is rented or leased shall ensure
15 that only persons who are listed as authorized
16 operators shall operate the motorboat; and

17 (3) Shall provide to each authorized operator of a
18 motorboat a summary of the statutes, rules, and
19 federal regulations governing the operation of a
20 motorboat and instructions regarding the safe
21 operation of the motorboat. Each authorized operator



1 shall review the summary and instructions before the
2 motorboat departs from the rental or leasing office.

3 **§200-F Compliance; penalties.** (a) A person who is
4 operating a motorboat on any waters of the State and who is
5 stopped by a law enforcement officer in the enforcement of this
6 part or the rules adopted pursuant thereto, shall present to the
7 officer evidence that the requirements of section 200-C or 200-D
8 have been met. Failure to present the evidence that these
9 requirements have been met shall constitute prima facie evidence
10 of a violation of this part.

11 A person who fails to present evidence that the
12 requirements of sections 200-B and 200-C have been met shall be
13 guilty of a misdemeanor unless the person presents the required
14 documents in court and establishes the person was operating the
15 motorboat in compliance with this part on the date of the
16 violation.

17 (b) It shall be a misdemeanor for a person to:

18 (1) Alter, forge, counterfeit, or falsify a certificate or
19 other document used to evidence that the requirements
20 of section 200-C or 200-D have been met;

21 (2) Possess a certificate or other document that has been
22 altered, forged, counterfeited, or falsified; or



1 (3) Loan or permit a certificate or other document to be
2 used by a person not named on the certificate or
3 document.

4 (c) A person or entity, or a representative of the person
5 or entity, that is engaged in the business of renting or leasing
6 motorboats who fails to request and inspect certificates or
7 other documents as evidence that the requirements of section
8 200-C or 200-D have been met by the authorized operators shall
9 be guilty of a misdemeanor.

10 (d) A person may be fined not more than \$1,000 or not less
11 than \$50 for each violation of this part, and the agents, owner,
12 or crew of any vessel that violate the rules of the department
13 or this part shall be fined not more than \$1,000 or not less
14 than \$50 for each violation; provided that in addition to, or as
15 a condition to the suspension of the fines and penalties, the
16 court may prohibit a person who is found to have violated any of
17 the provisions of this part from operating a motorboat upon the
18 waters of the State until the person successfully completes the
19 safe boating education course approved by National Association
20 of State Boating Law Administrators and certified by the State.

21 (e) In any proceeding for a violation of this part, the
22 court may suspend all or part of the fine to be imposed on the



1 defendant if the defendant completes the safe boating education
 2 course approved by National Association of State Boating Law
 3 Administrators and certified by the State within the time limits
 4 imposed by the courts.

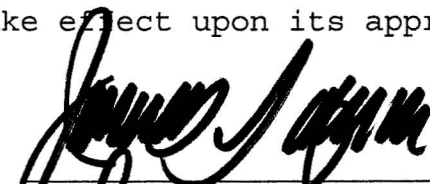
5 §200-G Adoption of rules. The department may adopt rules
 6 in accordance with chapter 91 to carry out this part, including
 7 provisions for issuance of certificates and duplicate
 8 certificates, record keeping, cooperative agreements, name and
 9 address changes, the establishment of fees for boating safety
 10 courses and certificates, and equivalency exam criteria."

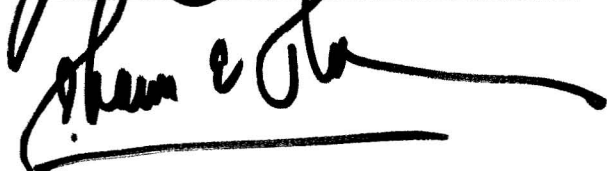
11 SECTION 2. This Act shall take effect upon its approval.


12


INTRODUCED BY:



 K. A. Nemmi













Report Title:

Boating; Safety Education Program

Description:

Establishes a mandatory boating safety education program within the State.

