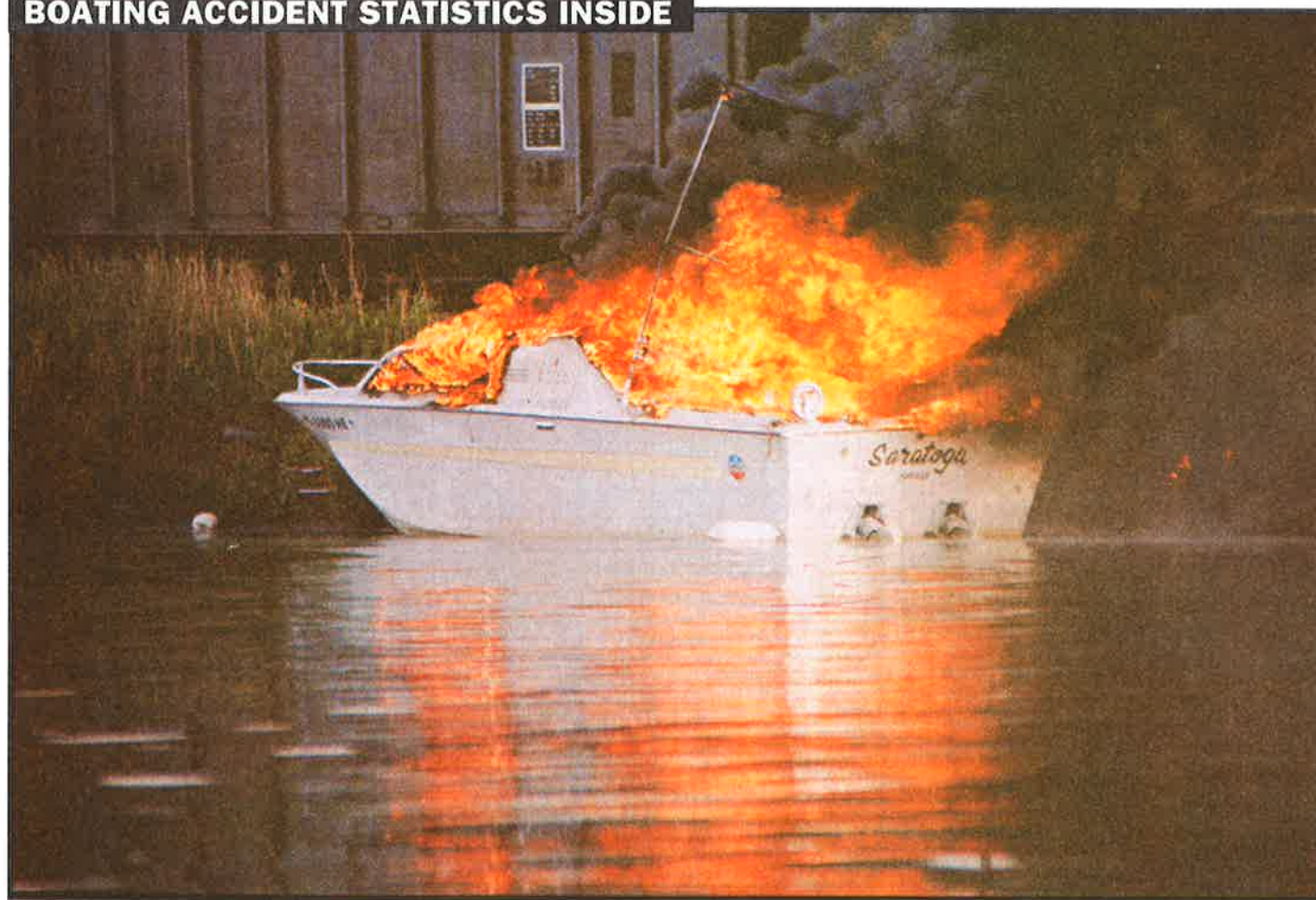

National Association of State Boating Law Administrators'

SMALL CRAFT ADVISORY

BOATING ACCIDENT STATISTICS INSIDE



Progress in Legislative Issues

President's Viewpoint

Committee selection difficult task

by Elizabeth Raymond

This article will be my final contribution to *Small Craft Advisory* as the incoming president will assume this responsibility for the coming year. While the requests to prepare articles this past year always seemed to occur at the least desirable time, the opportunity to express one's views to a large group has its advantages.

With the onset of the national Conference, perhaps reflection on past accomplishments is in order.

In my opinion, one of the most challenging tasks for an office of this sort is the selection of committee members and the assignment of meaningful charges which contribute to our intended mission of safer recreational boating in this nation.

Selection of committee members is not such an easy proposition as it might appear. Consideration must be given to such factors as good regional spread (are all regions involved on any given committee?), a good mix of veteran and relatively new boating law administra-



Elizabeth Raymond

tors, a mix of coastal and inland BLAs and, where possible, committee assignment requests should be honored.

Equally important is the need to assign charges which benefit all boating safety. Frequently, all of us have been witness to a charge which was never seriously undertaken by a committee, or we have seen charges so broad they were not attainable in one year's time. These and other factors must be weighed prior to assignment. I suppose every incoming

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Coast Guard Comments

A new focus on statistics

by Captain Chad B. Doherty
Chief, Auxillary, Boating and
Consumer Affairs Division, U.S.C.G.

The 1991 Boating Accident Statistics publication is at the printers (it should be in distribution in about a month). I was able to give out advanced copies at WSBA, and fatalities were up by 59 to 924 for 1991, resulting in a rate of 4.6 per 100,000. We got behind this year because we lost our statistician, who got promoted to another job in C.G. H.Q.

We were, however, able to recruit an excellent replacement. We decided to hire a recent college graduate — bring in someone at the entry level with a fresh perspective and maybe some new ideas. His name is Bruce Schmidt, and he not only has a good academic background in statistics, but just as important, he has

very strong communication and presentation skills.

Boating statistics are no good unless people understand what the numbers mean. What's behind the numbers?

And what needs to be done to make numbers better? So we are going to strive to make our accident stats and analytic studies more user-friendly and more actionable. I'm not sure at this point just how we are going to do this, but it's a priority. We're open to ideas and feedback from you on how we can make our statistical analysis function better.

Bruce is also working as the Coast Guard grant manager for the Marine Index Bureau Foundation grant to develop accident stats from insurance company

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Cpt. Chad Doherty

SMALL CRAFT ADVISORY

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Maryland Natural Resources Superintendent retires

The Maryland Natural Resources Police (NRP) announced the retirement of Col. Jack T. Taylor after 32 years of service, with the past seven years as the agency's superintendent.



Col. Jack Taylor

Known for leadership in the conservation law enforcement field throughout the country, Col. Taylor has served as Secretary/Treasurer, Vice President and President of the Southern States Boating Law Administrators.

He has also served as Vice President and President of the Law Enforcement Section of the Southeastern Association of Fish & Wildlife Agencies and President of the Maryland Chiefs of Police Association. Δ

Looking Ahead

October 4-8

NASBLA Annual Conference
Springfield, Missouri

October 10-17

States Organization for Boating Access
Springfield, Missouri

About the Cover

In 1991, there were over 350 boat fires or explosions reported to the Coast Guard, resulting in 14 fatalities, 202 injuries and more than \$7 million in property damage. (Photo courtesy Tim Smalley, Minnesota Department of Natural Resources.)

New sign system for Idaho anglers



The Idaho Fish and Game Department's new sign system will be in place by this summer to help clarify regulations and information on trout fishing. The signs will be color coded to match the 1992-1993 fishing regulation brochure.

Bill Horton, Idaho staff biologist, said the signs will help direct people to stocked areas and will also alert them to areas, boundaries or special regulations. In most cases, the regulations will be printed on the sign for immediate adherence to the rules.

Duluth, MN hosts NCIABLA Conference

The North Central International Association of Boating Law Administrators held their annual meeting in Duluth, Minnesota from July 13 to July 16.

The officers elected for 1993 are Leroy Orvis (Nebraska), President; Thomas Wakolbinger (Illinois), Vice President; Larry Rhinehart (Indiana), Secretary/Treasurer; and Kim Elverum (Minnesota), Member at Large. Nebraska will host next year's meeting. Δ

WSBAA Conference meets with success in Las Vegas

The Western States Boating Administrators Association met July 18-22 in Las Vegas, Nevada. New officers are President, Fred Messman; Vice President, Tim Wade; and Secretary, Rick Storm.

Issues covered at the conference include moving National Safe Boating Week to May, requiring safety pamphlets with each new boat, adding disclaimers to the Federal Motorboat Fuel Use Study, urging repeal of the "user fee," and a thank you to Fred Messman and the State of Nevada for a successful conference. Δ

A Job Well Done

Navy pilots rescued after midair explosion

While patrolling Tangier Sound in the Chesapeake Bay on April 29, 1992, Cpl. Thomas Shores and Officer Victor Kulynycz of the Maryland Natural Resources Police, observed a midair explosion of a Navy aircraft.

After seeing two parachutes descending toward the cold waters of Tangier Sound, they sped to the landing sight. Only 2 minutes away, Shores and Kulynycz were able to remove the severely injured pilots almost instantly from the 50 degree water.

Once both pilots were on board their 18 foot whaler patrol boat, the officers made an emergency run to meet the Maryland State Police Medevac helicopter and the Patuxent River Air Station helicopter that were standing by.

During the 22 minute trip, the officers used their medical training to survey the pilots' condition and advise the Medevac personnel. With this information, the Medevac units were able to plan the transportation to the appropriate medical facility.

Both pilots were transported to the the Frances Scott Key Burn Center. Lt. Sean Brennan was admitted in critical condition with a broken right shoulder and burns over 70 percent of his body. Lt. Commander Steve Eastburg had numerous lacerations and severe bruises.

Without the expertise and professionalism that officers Shores and Kulynycz displayed, the two pilots in the adverse conditions would have died from their injuries and exposure.

Both Lt. Commander Steve Eastburg and Lt. Sean Brennan are expected to fully recover from their injuries and return to duty in June.

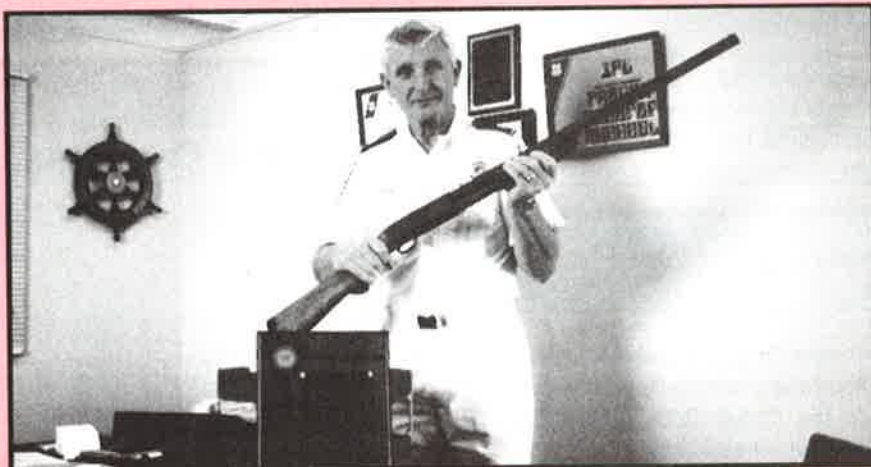
Corporal Shores and Officer Kulynycz received Departmental Certificates of Commendation and the Governor's Certificate of Commendation. Δ



Photo courtesy Maryland Department of Natural Resources

Cpl. Thomas Shores (left) and Officer Victor Kulynycz of the Maryland Natural Resources Police received Departmental Certificates of Commendation and the Governor's Certificate of Commendation for their rescue of two Navy pilots.

SSBLA Officer of the Year



Bill Gamer, Alabama Boating Law Administrator, was honored as the Southern States Officer of the Year at the 31st annual Southern States Boating Law Administrators Association Conference held in San Juan, Puerto Rico May 2-6, 1992.

A Job Well Done CONTINUED

Minnesota names Boat/Water CSO of the Year

Brad Schultz, Minnesota Department of Natural Resource conservation officer, was recently honored with the 1991 Minnesota Boat and Water Conservation Safety Officer of the Year award.

"Guys like that are exactly the ones who endanger others and make the job a constant challenge."

In 1991, officer Schultz logged more boat and water safety hours than any other conservation officer in central Minnesota. He also spent many hours teaching boating and water safety to children, recovered five stolen boats and has made numerous arrests, including eight intoxicated boater arrests.

"I once brought a man to jail for boating while intoxicated," said Schultz, "and as we approached the counter where



Photo courtesy L.C. Duke

Brad Schultz, (center) Minnesota Department of Natural Resource conservation officer was awarded the 1991 Minnesota Boat & Water Safety Conservation Officer of the Year award. The award was presented by MN DNR enforcement director Leo Haseman (left) and MN BLA Kim Alverum (right).

we process arrests, he stared at the jailer and said, 'I'll take two cheeseburgers, an order of fries and a chocolate malt.' A clear case of mistaking "bars" for the "lighted arches."

"Guys like that," Schultz observed, "are

exactly the ones who endanger others and make the job a constant challenge."

Schultz was also honored by the MN DNR in 1986 when he was named Conservation Officer of the Year, and in 1984 when he received the director's award. Δ



Officer of the Year awarded at NCIABLA conference

At the recent NCIABLA conference in Duluth Minnesota, Jim Martindale (center), Michigan Department of Natural Resources, was named as NCIABLA Officer of the Year.

NCIABLA President Bill Engfer of Wisconsin (left) and William Ladd (right), Managing Editor of Small Craft Advisory, presented the award, which was donated by Outdoor Empire Publishing of Seattle, Washington.

1991 STATE ACCIDENT STATISTICS

STATE	NUMBER OF ACCIDENTS				NUMBER OF VESSELS INVOLVED IN ACCIDENTS				NUMBER OF PERSONS		PROPERTY DAMAGE IN \$
STATE	TOTAL	FATAL	NON-FATAL INJURY	PROPERTY DAMAGE	TOTAL	FATAL	NON-FATAL INJURY	PROPERTY DAMAGE	KILLED	INJURED NON-FATALITY	PROPERTY DAMAGE
TOTALS	6,573	779	2,752	3,042	8,821	779	2,861	5,181	924	3,967	24,772,300
Alabama	126	20	34	72	157	20	35	102	20	47	365,200
Alaska	44	21	6	17	53	21	6	26	29	11	738,500
Arizona	145	4	84	57	210	4	88	118	5	111	296,900
Arkansas	69	21	22	26	95	21	24	50	25	38	141,200
California	750	46	338	366	1,108	46	343	719	58	421	2,653,800
Colorado	67	8	24	35	89	8	24	57	10	32	112,000
Connecticut	72	10	33	29	98	10	36	52	11	57	207,000
Delaware	19	1	6	12	23	1	6	16	2	9	39,400
Dist. of Col.	3	0	1	2	4	0	1	3	0	1	3,800
Florida	1,019	76	416	527	1,345	76	432	837	93	584	6,642,300
Georgia	110	22	40	48	141	22	44	75	24	61	300,400
Hawaii	19	4	5	10	19	4	5	10	5	14	189,500
Idaho	70	9	28	33	87	9	29	49	9	39	166,300
Illinois	159	28	61	70	211	28	66	117	32	110	600,600
Indiana	133	10	84	39	174	10	86	78	12	106	291,800
Iowa	49	8	19	22	61	8	19	34	13	28	65,300
Kansas	30	4	8	18	41	4	8	29	6	9	62,400
Kentucky	61	18	16	27	85	18	17	50	22	44	164,700
Louisiana	87	31	35	21	110	31	39	40	32	71	166,500
Maine	51	5	20	26	61	5	20	36	5	27	127,800
Maryland	185	24	85	76	222	24	85	113	26	109	1,089,000
Massachusetts	38	3	16	19	59	3	16	40	3	20	174,100
Michigan	357	38	178	141	481	38	184	259	56	232	928,200
Minnesota	162	16	90	56	208	16	94	98	17	124	262,500
Mississippi	62	26	19	17	69	26	20	23	30	35	138,800
Missouri	214	14	101	99	289	14	106	169	18	134	474,200
Montana	17	4	7	6	23	4	7	12	5	9	44,100
Nebraska	29	3	16	10	35	3	18	14	3	22	87,800
Nevada	129	3	47	79	168	3	47	118	4	63	645,800
New Hampshire	43	5	19	19	50	5	21	24	7	26	77,700
New Jersey	241	5	90	146	338	5	91	242	8	119	920,100
New Mexico	30	1	11	18	35	1	11	23	1	13	83,000
New York	257	20	107	130	361	20	112	229	22	175	1,312,900
North Carolina	137	23	62	52	177	23	64	90	27	95	458,400
North Dakota	12	2	6	4	17	2	7	8	2	10	23,200
Ohio	168	17	53	98	219	17	54	148	19	98	1,002,700
Oklahoma	87	16	34	37	105	16	37	52	18	56	182,300
Oregon	106	19	23	64	132	19	23	90	22	43	612,800
Pennsylvania	110	14	58	38	146	14	61	71	16	95	254,100
Rhode Island	38	2	10	26	57	2	11	44	2	17	94,600
South Carolina	85	29	27	29	108	29	27	52	35	44	231,800
South Dakota	25	1	10	14	37	1	11	25	2	16	67,100
Tennessee	84	18	38	28	107	18	38	51	20	45	144,500
Texas	227	56	86	85	308	56	93	159	61	139	729,400
Utah	83	2	34	47	119	2	34	83	2	45	155,700
Vermont	4	2	1	1	5	2	1	2	2	3	2,100
Virginia	106	18	44	44	138	18	44	76	20	61	333,000
Washington	188	25	56	107	256	25	58	173	30	89	449,700
West Virginia	21	5	7	9	29	5	8	16	5	13	43,400
Wisconsin	208	18	121	69	294	18	133	143	23	169	261,800
Wyoming	10	0	5	5	17	0	6	11	0	8	55,300
Guam	3	1	1	1	3	1	1	1	2	3	29,500
Puerto Rico	6	0	5	1	10	0	5	5	0	8	23,600
Virgin Islands	17	3	4	10	26	3	4	19	3	8	40,700
Am. Samoa	1	0	1	0	1	0	1	0	0	1	3,000
No. Marianas	0	0	0	0	0	0	0	0	0	0	0

TYPES OF BOATING ACCIDENTS

ALCOHOL INVOLVEMENT IN BOATING ACCIDENTS

1991	VESSELS INVOLVED	FATALITIES
TOTALS	8,821	924
Grounding	378	15
Capsizing	553	326
Swamping/Flooding	334	60
Sinking	199	11
Fire/Explosion (fuel)	267	5
Fire/Explosion (other)	94	9
Collision with another vessel	4,557	82
Collision with fixed object	869	67
Collision with floating object	217	19
Falls overboard	480	260
Falls within boat	157	1
Struck by boat or propeller	189	9
Other	507	33
Unknown	19	27

Type of accident refers only to the first event that occurred. Some accidents involve more than one event. A grounding followed by a sinking is counted only as a grounding even though the sinking may have directly led to a fatality. We estimate that we receive reports for only a small fraction of all non-fatal accidents.

1991	FATAL	INJ.	ACC.
TOTALS	179	424	513
Alabama	1	4	6
Alaska	11	0	8
Arizona	0	14	11
Arkansas	3	3	6
California	7	12	23
Colorado	2	2	4
Connecticut	4	2	7
Delaware	0	0	0
Dist. of Col.	0	0	0
Florida	12	71	85
Georgia	1	6	7
Hawaii	0	0	0
Idaho	1	7	7
Illinois	9	23	15
Indiana	6	10	16
Iowa	5	5	6
Kansas	0	0	0
Kentucky	1	7	5
Louisiana	12	14	18
Maine	1	1	2
Maryland	5	2	8
Massachusetts	2	0	2
Michigan	3	10	21
Minnesota	6	25	29
Mississippi	6	2	5
Missouri	2	15	17
Montana	0	2	2
Nebraska	1	2	2
Nevada	0	6	9
New Hampshire	5	6	5
New Jersey	3	16	8
New Mexico	0	0	3
New York	5	27	20
North Carolina	7	13	21
North Dakota	0	0	0
Ohio	4	21	21
Oklahoma	2	20	11
Oregon	4	7	6
Pennsylvania	10	15	13
Rhode Island	0	0	0
South Carolina	2	4	5
South Dakota	2	5	4
Tennessee	7	2	9
Texas	2	0	3
Utah	1	5	5
Vermont	1	2	1
Virginia	9	7	13
Washington	6	14	18
West Virginia	2	2	5
Wisconsin	5	13	20
Wyoming	0	0	0
Guam	0	0	0
Puerto Rico	0	0	0
Virgin Islands	1	0	1
Am. Samoa	0	0	0
Northern Marianas	0	0	0

VESSEL INFORMATION

		VESSELS INVOLVED	FATALITIES
1991	TOTALS	8,821	924
TYPE OF BOAT	Open motorboat	4,223	493
	Cabin motorboat	1,433	69
	Auxiliary sailboat	409	12
	Sailboat only	96	22
	Rowboat	108	82
	Canoe or kayak	131	99
	Inflatable boat	37	19
	Houseboat	100	1
	Personal Watercraft	1,513	26
	Other	250	24
	Unknown	521	77
PROPULSION	Outboard	3,085	457
	Inboard gasoline	1,671	41
	Inboard diesel	222	12
	Inboard-outboard	1,750	61
	Jet	1,070	20
	Sail	97	21
	Manual (oars, paddle)	261	209
	Other	54	9
	Unknown	611	94
HORSEPOWER	No engine	364	230
	10 hp or less	298	72
	11-25 hp	341	86
	26-75 hp	1,639	124
	Over 75 hp	4,157	191
	Unknown	2,022	221
LENGTH	Less than 16 feet	2,275	411
	16 feet to less than 26 feet	4,299	347
	26 feet to less than 40 feet	873	28
	40 feet to less than 65 feet	321	8
	More than 65 feet	30	3
	Unknown	1,023	127

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CONNECTICUT

Richard Potter, Connecticut Boating Safety, reported that only minor changes were enacted in the 1992 Connecticut legislature. The regulations for setting fees, course content, procedures, etc. to implement the state's new mandatory education certificate program are awaiting legislative approval in August. Personal Watercraft Safety restrictions, following the industry's model, were implemented this boating season.

DELAWARE

Delaware has developed a water rescue training program for fire fighters. In addition to the basic curriculum, there are specialized training sessions in ice rescue, open water rescue and fast water rescue. The fire fighters get credit for taking the courses just like any other fire training program.

Other actions taken include an amendment to the Personal Watercraft Law concerning operating distance from docks and swimmers. The last action was a clean-up of the marine sanitation rules.

DISTRICT OF COLUMBIA

No legislation passed in the last year, according to Sergeant Thomas McDonald. Pending legislation deals with improving the financial base by increasing fines. In the coming year, a Boating While Intoxicated law is developed for introduction in the next session.

MAINE

Herbert Vernon, BLA, reported that L.D. 2369, "An Act to Further Enhance

and Protect Maine's Great Ponds," was introduced in the 1992 session. It would establish a boating enforcement fund, financed by an increase in watercraft registration fees. The increase would cover training of local enforcement personnel, as well as equipping and funding municipal enforcement. The bill was amended by the legislators to require the creation of a Great Ponds Task Force to develop a plan for strengthening enforcement.

MASSACHUSETTS

Sail Boston 1992, with its parade of "Tall Ships," kept the environmental police busy from July 11 to July 16 with as many as 50 officers and 25 boats on patrol at a time. The event was a great success.

Boat registrations are down, and the number of accidents and fatalities has decreased dramatically. The average number of fatalities, 21, was down to only four last year and only three so far this year. This decrease has been partly attributed to the requirement to wear PFDs on canoes and kayaks during the cold months, improved BUI enforcement and cooperation with the Coast Guard Auxiliary and power squadrons in boating education.

No significant new legislation has passed so far this year.

NEW HAMPSHIRE

With a rise in boating activity this year, New Hampshire is also experiencing a rise in criminal activity on the water. An increasing number of arrests have been made for BWI and illegal drug activities.

The good news is that accidents are down in New Hampshire. Work is also progressing to enroll people in boating education courses.

NEW JERSEY

"We had no new boating legislation passed during this year, but we do have some pending for the next session," said Captain Bill Gronikowski, New Jersey BLA. There is legislation pending which will define personal watercraft and establish regulations for operation and use.

Other major bills pending would prohibit discharge of ballasts in certain areas or the discharge of sewage in any state waters. A bill requiring mandatory drug and alcohol testing of boat operators involved in fatal vessel accidents will also be on the agenda.



Cpt. Gronikowski

NEW YORK

"At the present time all I have is a lot of 'maybes'," said Nelson Potter, BLA for New York State.

There are two bills that are presently awaiting action by the Governor.

One is a bill on noise, patterned very closely to the NASBLA model.

The second is an Omnibus bill called "I Love New York Waterways." This bill contains many issues, such as implied consent, raising of fines, and provision of funding for local governments to enforce boating safety laws.

"If we get these two bills signed into law, we've met our goals," Potter said.



Nelson Potter

PENNSYLVANIA

A bill, which was signed into law last December, raised fees for boats 16 feet and under to \$10; for boats 16 to 20 feet to \$15; and for boats 20 feet or more to \$20.

"We consider this a major bill, because it will give us the revenue to continue to expand our boating safety program," said John Simmons, Pennsylvania BLA.

There are three major bills pending, but the legislature does not return from summer break until after the election.

With the short amount of time remaining in the session it will be difficult for



John Simmons

the mandatory education bill, boat titling bill and the issuing agent bill to make it out of committee.

RHODE ISLAND

Rhode Island legislature passed a change this year to the titling law exempting boats under 14 feet in length. Another change requires all children under 11 years of age to wear PFDs on all vessels while underway. The personal watercraft law was updated to accurately reflect the various types of engine shut off systems used. Changes to the Diver Down flag requirements and Mandatory education did not pass.

Except for the visit of the Columbus and Tall Ships '92, boating activities were about normal. Unfortunately, the number of accidents is up from last year.

VERMONT

According to Sergeant Alan Buck, Supervisor of the Marine Division, there isn't a great deal going on in the state concerning legislation.

The big news is that Vermont administrators is currently drafting a statewide recreational or water use policy.

One item under consideration is a statewide speed limit which will vary depending on water body size. The policy could set a maximum daylight speed limit with a lower limit for nighttime operation.

Another item could be a ban of personal watercraft on small bodies of water. Buck said no parts of the policy are set and that it is very early in the hearing process.

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ALABAMA

"This year was a strange year with the absence of the normal quantity of boating bills," said Bill Garner, Alabama BLA.

Two bills were up before the legislature, but both failed.

One of the bills, the registration bill, would have increased fees that haven't been examined in twelve years. These fees are the basis of the department's operating funds, and the bill to examine these fees will be reintroduced in Alabama's next legislative session.

The second bill was a boat title bill which was introduced by the motor vehicle department; it also received no action.

In the next legislative session, the marine division will sponsor its own title bill and will administer the program.

One very helpful project is now going through the administrative process which will redefine the old Boating While Intoxicated statute.

ARKANSAS

No major bills have passed in this session. Acting BLA, Bill Hailey said that pending legislation will center around new boating under the influence legislation. According to recent statistics, the number of boating accidents and fatalities is increasing this year.

FLORIDA

Florida's 1992 legislative year was active with several bills that passed and a few that didn't.

Major Kent Thompson, BLA of the Florida Marine Patrol reported that a mandatory PFD bill passed. All persons under 6 years of age on board any vessel less than 26 feet must wear a type I, II or III PFD when underway. Two other bills passed the legislature, one requiring vessels to stay clear of diver down flags and

the other permitting "In Rem" enforcement relating to careless operation in designated restricted areas.

Many of the failed legislative efforts will be re-introduced next year and Major Thompson feels that the development of several of them has made them stronger bills. Mandatory Education failed and will be re-introduced next year. Operator Licensing also failed, and there seems to be little chance of it passing in the near future.

Some of the defeated bills dealt with prohibiting "bow-riding," defining serious body injury, lowering DUI blood level, requiring boat liveries to post safety information, and cleaning up current statutes to conform with CFRs. Most of these bills will be re-introduced in the next session.



Major Thompson

GEORGIA

"I feel we were very fortunate to get so many major legislative measures through this year," said Lt. Col. Joel Brown, state BLA.

A change in the blood alcohol level from .10/.12 to .08/.10 and a list of specific drugs headed the list of new measures.

Previously there was a list of certain boating safety zones, which has now been repealed. Under the new regulation, the commissioner has the authority to designate the new boating safety zones.

Georgia has also added and defined "Hazard Areas," which will also be designated by the commissioner. When operating on these waters, all passengers must wear a Coast Guard approved and properly fitting PFD.

Of major concern was defining "personal watercraft" and the addition of amendments to cover PWC operation. PWCs are classified as Class A vessels, and all persons aboard must wear Type I, II, III or V personal flotation devices. Persons between 12 and 15 years of age must be under the supervision of an adult when operating a PWC. Operating hours are between one half hour before sunrise and one half hour after sunset. The PWC must be equipped and in operating condition with a self circling or an engine cut-off device. Finally, no PWC shall operate in excess of five miles per hour within 100 feet of anchored vessels, shore, wharf, dock, pier, piling bridge or a person in the water.

KENTUCKY

Reed Sanders said that nothing passed during Kentucky's legislative session which just ended. Kentucky's next session will be in 1994, and administrators will be working toward enhancement of revenue and a required boating safety school for those convicted of boating offenses such as BUI or reckless operation.



Lt. Col. Brown

Until that 1994 session, very little will be happening on the legislative front.

LOUISIANA

Louisiana is continuing to survey boaters during boardings to check for compliance, alcohol use, age, activities, and other information. Results show 21 percent of boaters carry alcoholic beverages.

Although accidents and fatalities are up this year, the DWI enforcement teams seem to be making an impact. There are now three teams which operate in high usage areas. The teams have had 160 DWI arrests in the past three months, and where the DWI teams operate there has been a great reduction in accidents and fatalities.

MARYLAND

Colonel Jack T. Taylor, Superintendent of the Maryland Natural Resources Police, retired June 30 after 32 years of service. Colonel Franklin Wood was appointed as the new Superintendent on July 1.

A new "PFD Panda Award" (idea borrowed from Minnesota) got started on July 1. It was so popular that all 5,000 certificates were gone by June 20.

Other programs include a PFD loaner program, a "Drowning is no Accident" water safety program for kids, a cooperative agreement with the USCG auxiliary to coordinate boating safety courses, and a Bay P.A.C.T (Police and Citizens Together) for reporting crimes and safety violations.

MISSISSIPPI

"The two really important items for this coming session are included in the Boating Safety Act which will be introduced," said Elizabeth Raymond, Mississippi BLA. The act contains implied consent and raising the age of operators from the present 12 years of age to 15, which corresponds to Mississippi drivers licenses.

NORTH CAROLINA

"This was the legislative's short session and nothing was on the agenda concerning boating safety," said Ed Jenkins, North Carolina BLA. Jenkins said that the major job will take place in the next long session, where the state will attempt to completely revamp the boating safety regulation.

OKLAHOMA

Larry Rutherford reported activity in the 1992 legislative session with more planned for 1993. Streamlining existing boating laws to fit operation on Oklahoma lakes, and setting penalties and fines were high on the agenda. They also set standards for type and operation of personal watercraft pulling skiers.

A boating while intoxicated law will be on the 1993 list and the re-introduction of a registration requirement for jon boats.

PUERTO RICO

New Puerto Rico legislation restricts personal watercraft from towing water skiers and requires them to take an educational course. Personal watercraft are also prohibited from using the Condado Lagoon. A mandatory license for operating all power boats is expected next year. Although Puerto Rico is experiencing difficulties this year, there are plans to air the boating safety course on television next year.

SOUTH CAROLINA

Emphasis has been placed on saturation patrols for negligent operation. PFD violations are still, however, the most common violation cited.

Educational materials are being reviewed to determine new ways to meet the education demand. A series of Public Service Announcements is being produced which will focus on personal watercraft and the problems of alcohol and

boating. Boating enforcement training is being emphasized by in-service training officers.

TENNESSEE

"Our legislature has adjourned and will not be in session until January 1993, but there is a strong possibility of a boat titling bill being introduced," said Ed Carter, Tennessee BLA. "It made it to committee this year, but never made it to the floor."



Ed Carter

An amendment to the marine sanitation law passed, listing bodies of water as "discharge" or "no discharge" areas. Accident reporting limits were raised, and the authority of an officer was amended.

Several rule changes were also made, including a personal watercraft law patterned after PWI and NASBLA model acts. Tennessee is currently gathering information from other states to establish criteria for zoning waterways

TEXAS

"Our legislature only meets every other year, so we're looking at the next

session beginning in January 1993," reported Capt. Harris, Texas BLA. The major effort for this session will be to clean up the boating safety act and to bring all the language into line with the Federal Act. They will also work for an improved personal watercraft law as well as improved BUI statutes.



Capt. Harris

VIRGIN ISLANDS

"We've got one bill, 19-0263, that we're trying to get through this short election year session," said Joseph Sutton, BLA.

This bill, which has now gone to committee, would permit enforcement officers to issue tickets for infractions of conservation laws.

The only other laws pending or in the drafting stage are the rules and regulations for moorage and various house keeping amendments.

VIRGINIA

According to Nancy Jamerson, BLA for Virginia, no new legislation concern-

ing boating safety moved through this year's legislature.

Next season appears to be the same with no new legislation pending.

On the water boating activity is about the same or up slightly from last year, but the number of fatalities, as of mid July, has been reduced from last year's total of thirteen to a total of seven.

WEST VIRGINIA

According to Major Bill Daniel, Assistant BLA for West Virginia, the major legislative effort this year was the passage of the personal watercraft rules.

Age restrictions were placed on personal watercrafts, as well as motor boats, with 15 years of age as the minimum age for solo operation of both. Between the ages of 12 and 15, the operator must be accompanied by an adult, except if the motor boat motor is less than 10 hp.

It is mandatory to wear a PFD during personal watercraft operation, and if a lanyard motor cutoff is supplied by the manufacturer, it must be connected to the operator.

The new rules place the operating time of a personal watercraft to one half hour before sunrise to one half hour after sunset.

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ILLINOIS

According to BLA Tom Wakolbinger, Illinois had several boating legislation bills pass last year. A personal watercraft legislation was passed, incorporating the contents of the NASBLA model act into the Illinois boating act. Noise regulations, modeled after the NASBLA act, regulations concerning BUI and "No Wake" areas were also passed.

Measures that did not pass but will be re-introduced include riding on boats in areas other than designed to accommodate passengers and mandatory boating education.

INDIANA

Indiana had a short 1992 legislative session with no boating bills coming up for review. Larry Rhinehart, Boating Law

Administrator, said that a personal watercraft law should be on the agenda for 1993.

Boating activity so far this year is down due to poor weather. This has resulted in fewer accidents, fatalities and arrests.

IOWA

Rick McGeough, Iowa BLA, reported that Iowa's navigation program, which

included implied consent, did not pass.

Administrators are presently putting the 1993 legislative package together, which may include re-introduction of the navigation bill and another bill to raise the property damage limit for reportable accidents from \$100 to \$300.

McGeough expects that this measure will cut out a tremendous amount of paperwork for the very minor accidents.

KANSAS

"The big news for us is that the commission voted to increase our boaters registration from \$9 to \$18 with no class distinction," said Jeff Gayer, Kansas BLA. "The commission decided," he added, "that there was no administrative cost savings for a smaller boat as compared to a larger boat, so one price for all."

The new registration goes into effect January 1, 1993 and it will be good for three years. This will broaden the department's revenue base at a time when it can be used. The boating legislation with implied consent and mandatory boating safety education for boaters with a BUI conviction, failed. That legislation will be re-introduced, along with a housekeeping bill to cleanup the language in many of the boating law regulations.



Jeff Gayer

MANITOBA

David Purvis, Manitoba BLA, reported that little was happening in legislative matters for this year. The legislative action that was taken included small housekeeping and definition cleanup measures. Administrators have no major items pending and plans for 1993 are presently being formulated.

MICHIGAN

The most recent amendment to the Marine Safety Act restricts supervised

operators under 12 years of age from operating a vessel powered by a motor larger than 35 hp. Operators under 12 years of age are restricted from operating any motorboat without a supervising adult on board. Jim Martindale, Michigan DNR, also reported the pending legislation which will include post-arrest implied consent and pre-arrest preliminary breath test provisions to the BWI statutes. Legislative plans for next session have not been formulated at this time.

MINNESOTA

"During the 1992 legislative session, we were hoping for a re-hearing on our watercraft license increase which was scuttled last year," said Kim Elverum, Minnesota BLA. No hearing was held on the bill, and it is now dead.

There were several technical changes to the BWI law which will shorten the advisory form; allow officers to arrest without observing operation; and make a local BWI ordinance violation the same as a violation of the state law.

An amendment was also passed which allows the use of factory-installed mirrors in place of an observer on personal watercraft when towing water skiers.



Kim Elverum

MISSOURI

No legislation concerning boating or boating safety passed through the 1992 legislature. The major boating bills which included BUI upgrades, noise, and personal watercraft measures will be re-introduced in the next session beginning in 1993.

"We have, in the past, had difficulty getting our bills out of the Senate, but this time we went through and didn't



David Scott

have enough time to make it through the House," said David Scott, Missouri BLA. Scott said that this turn of events gives him high hopes for the next session.

NEBRASKA

"Boating legislation amounted to a big zero this year," according to Nebraska BLA Leroy Orvis. "The short session was consumed with emergency actions on a re-write of the Tax Authority, and nothing else came up for a vote."

The 1993 program is currently being examined, but nothing is set. Several bills that were carried over from 1991 were not followed through and died when the session ended.



Leroy Orvis

NORTH DAKOTA

North Dakota's legislature meets every two years, with the next session slated for 1993. Proposed legislation is to get BUI field testing reinstated in the law, a measure which was lost in the last session. The only other bill on the agenda is the reduction of a class B misdemeanor rating for violations of the requirement that youngsters 10 years old or younger wear a PFD in a boat that is underway.

OHIO

"Kentucky owns the Ohio River and, historically, Ohio law has been unclear regarding how much authority the courts possessed to hear cases involving arrests made by Ohio law enforcement agencies concerning watercraft safety laws," said Paul Gregory, Chief of the Watercraft Division.

To clean up the confusion, Ohio Governor George Voinovich signed Senate Bill 284 into law, which expands the territorial boundaries bordering the Ohio

River. The bill extends the jurisdiction of Ohio courts to West Virginia and Kentucky shorelines.

The courts now have concurrent jurisdiction with adjacent Ohio counties and with courts from West Virginia and Kentucky that have reciprocal agreements with Ohio courts.

Writing fees for registration agents has also been increased from \$1 to \$3 to recover the cost of time and effort required to complete the forms.

It is hoped that the law will attract additional businesses wishing to become registration agents and, in turn, administrators provide better service to Ohio's boaters.

ONTARIO

The Shoreline Buffer Zone Act, which passed in the legislature last year, is cur-

rently being enforced. It requires boaters to operate at less than 10 knots when within 30 meters of shore. Exceptions are canals, buoyed channels and rivers less than 100 meters wide.

SOUTH DAKOTA

Bill Shattuck, South Dakota BLA, reported that last season the legislature passed a workable Boating Under the Influence law. It contains .10 BAC standards, with implied consent, along with testing procedures. The full force of conservation officers and ten park managers have been trained and equipped for the new law.

Future legislative goals are bills which will require wearable PFDs on class A boats, and a change in accident reporting.

WISCONSIN

According to William Engfer, Wisconsin Boating Law Administer, the recently amended SB 122 is patterned after the PWIA Model Act. This amended law does not prohibit towing water skiers.



William Engfer

Issues that will be on the agenda for the next legislative session include a mandatory education bill and statewide speed restrictions on smaller lakes.

Wisconsin boating law administrators also expect stricter noise control laws throughout the state.

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ARIZONA

New watercraft rules have been passed eliminating the need to register non-motored inflatable boats less than 12 feet in length. A new exemption eliminating the requirement for children 12 and under to wear a PFD when on a passenger vessel, on navigable waters, within a quarter mile of land, for a trip of 10 minutes or less, was passed.

A new water safety program for children is being developed to include safety around lakes, using tubes and small boats.

CALIFORNIA

This was a busy year for the California legislature, which passed four boating bills and left one pending.

SB 515 authorized the court to order a person convicted of boating under the influence to enroll in a treatment program.

This would be part of any probation program.

Another bill requires all vessels with toilets to comply with the federal standards for marine sanitation devices. The bill also prohibits discharge in specific areas.

Other bills passed concerned certain exemptions for law enforcement vessels and the definition of certain laws as misdemeanors. The pending law would permit a harbor policeman to not only stop a vessel, but also to board it.

COLORADO

An aggressive lake management program has been instituted which includes zoning and enforced traffic patterns.

Future legislative issues that are being discussed include wearing of Personal Flotation Devices on sailboards and a review of white water licensing programs.

HAWAII

Hawaii's law prohibiting the disposal of junk boat batteries has been amended. The new amendment prohibits battery acid discharge anywhere on land, in sewers, drainage systems, surface and ground water or the ocean.

IDAHO

Jeffrey Hoedt, Idaho BLA, reported that one bill passed in the 1992 legislation. Pertaining to the non-resident boat permit which is required on all Idaho waters, the new bill exempted the Snake River Boundary Waters in an answer to enforcement difficulties.



Jeffrey Hoedt

Plans for the next session include an Interstate Compact on all border waters. Oregon passed this bill in 1991 and Washington passed their Interstate Compact in 1992. "We're hanging a bit behind on that program so we'll try and get it through in this next session," Hoedt said. The department will also be examining a boat titling bill for 1993.

MONTANA

This year is an in-between year as far as legislation is concerned, reported Elmer Davis, Montana BLA. The Montana legislature met in 1991 and won't meet again until January 1993. The only items that may come up in that session will be lowering the noise limit and increasing the number of lakes that this regulation covers. The use of ski flags may come up, and permits for personal watercraft races may be on the agenda as well.

NEVADA

Nevada's current legislative action included housekeeping changes, according to Fred Messman. Increasing title fees; a requirement for blood or urine testing if drugs are suspected; and a provision that requires a boating accident to be reported before the payment of an insurance claim were all on the agenda. Other amendments include mandatory chemical testing in cases of a fatality or substantial bodily harm to another person in a boating accident.



Fred Messman

NEW MEXICO

"The list of regulation changes implemented this year is involved," said Dave Skasik, New Mexico BLA. Topping the list were housekeeping changes which covered wakes, personal flotation devices, personal watercraft and flotation assist devices.

The change in flotation device regulations states that all persons engaged in boating on a river, in boat races, or using ice sailboats, personal watercrafts, kayaks, canoes and rubber rafts will wear an approved PFD. Water-skiing with personal watercrafts now requires the use of a 12x12 inch red flag raised above the vessel whenever the skier is in the water. In addition, the personal watercraft pulling the skier must have regular seating for three with a vacant seat for the skier. The PWC must have an observer on board in addition to the operator while pulling a skier.

OREGON

The Governor has announced a proposal to be presented to the 1993 legislature which will merge the Oregon State Marine Board with the State Parks Department. Many boating, fishing and local government organizations are on record opposing this reorganization.

Last year's OUI law is successfully being implemented, and the number of boating fatalities is down dramatically. On average there are about 15 fatalities by mid July, but this year there are only three (two involved personal watercraft).

A new low power radio station is on line at the mouth of the Columbia River. It provides weather, safety, ship traffic and other information to the many recreational boaters fishing for salmon.

UTAH

Preliminary arrangements are being made to introduce two new pieces of legislation. The first would update the laws concerning personal watercraft. The second would establish a mandatory boating education program based on the NASBLA Model Act.

Ted Woolley reports that the new noise laws are effectively getting the loud boats off the water. In alcohol enforcement, 15 new PBT (preliminary breath test) instruments were purchased and have been very effective, according to Woolley.

WASHINGTON

James French, Washington BLA, reported that the legislation which passed was a complete reorganization of the Washington State Boating Laws. The department was also successful in the passage of an interstate compact for law enforcement on all boundary waters. According to French, it was the typical situation of "too many bills and too little time." The bill concerning over-power and over-loading didn't make it through the legislative process, and it will be reintroduced next session along with numerous housekeeping bills.

WYOMING

This year's legislative session was fiscal only and no new boating laws were passed.

Boating activities have been about normal so far this year, but accident numbers are down.

Nine temporary law enforcement assistants were hired to help in boating law enforcement for the summer. The candidates came from Wyoming's Department of Law Enforcement Officer Eligibility list. The senior officers have a chance to observe the candidates' work and the candidates have a chance to get a better feel for the job they are trying for — the program is working well.

EDITOR'S NOTE

We are pleased to announce that Outdoor Empire Publishing will be producing *Small Craft Advisory* for the coming 1992-1993 year.

The success of *Small Craft Advisory* is due to the cooperation we have received from all the Boating Law Administrators.

Thank you to everyone for your assistance, and we look forward to working with all of you in the upcoming year.

Pittsburgh River Ranger Patrol manages waterways

by Pete O'Connell
Army Corps of Engineers

Although Pittsburgh is the largest inland port in the nation, people were not always attracted to the river for recreational use. During the peak of industrial activity, the three rivers located in the district were conduits for both industrial waste and sewage effluent.

The environmental movement of the 1970s, tough environmental protection legislation and the decline of the steel industry has prompted steps to improve the water quality.

Land use along the river is also changing with the growth of condominiums, water parks, boat marinas and riverside restaurants. Boating, fishing, water-skiing, sailing and swimming activities are attracting people back to the river in record numbers. According to the Sport Fishing Industry, the Ohio river could become one of the best freshwater fisheries in the east.

Allegheny county, which includes the city of Pittsburgh, has over 30,000 registered motorboats. That ranks it as one of

the top two counties in the nation in terms of registered motorboats. Documented vessel use, as well as commercial use, is on the upswing, putting a higher volume of larger vessels on the rivers. With all of these factors, the use of our waterway is creating new management challenges for regulatory agencies, industry and other navigational interests.

In 1986, recognizing the need to meet these new water use challenges, the River Ranger Patrol program was established. The program provides visitor assistance, educational information and boat patrols to assure safe boating practices. Although much of the Patrols' activities are centered around the major navigational channels and the dam and lock areas, their boating safety message covers the entire river.

Critical to the success of the River Ranger Patrol Program is its coordination with the U.S. Coast Guard, Pennsylvania Fish and Boat Commission, City of Pittsburgh, County of Allegheny, Coast Guard Auxiliary and the Power Squadrons. To assure a sustained quality of environment and manage the waterways for multiple use, we must work together. Δ

Personal Watercraft Association spreads safety message nationwide

Representatives of the Personal Watercraft Industry Association have been traveling throughout the country, spreading the word of boating safety. Scheduled activities have included introduction days for lawmakers, government officials, law enforcement officers and public safety officers. Their goal was to show that the Personal watercraft has professional, as well as recreational use — their maneuverability and jet drive make them suitable for specific applications such as water rescue and patrol.

"The best way to get somebody to appreciate the characteristics of personal watercrafts is to actually get them on a unit," said Glyn Johnston of PWIA Communications.

When people in official capacities have the opportunity to ride a PWC, they recognize that when operated safely and responsibly, a PWC can be a positive addition to the professional and recreational environment.

Increase in boating deaths prompts C.G. summer warnings

The number of people killed in recreational boating accidents in 1991 increased for the first time in five years, the Coast Guard recently announced.

The 924 fatalities recorded in 1991 reversed a downward trend that began in 1986. The Coast Guard said the increase is primarily attributed to a warmer than usual winter that extended the boating season in many parts of the country.

Totals for 1991 included 924 fatalities; 3,967 injuries; and 8,821 boats involved in 6,573 accidents with damage totaling \$24.8 million. The Coast Guard believes that it is notified of nearly all fatal accidents, but only a small fraction of the non-fatal accidents are reported. This upward trend in boating accidents prompted the

Coast Guard to renew warnings to recreational boaters concerning a variety of boating hazard.

According to R.A.D.M. William Ecker, head of the Coast Guard's recreational boating safety program, overloading small recreational boats continues to be a serious hazard. Capsizing and falling overboard accounted for more than 60 percent of all boating fatalities in 1991.

"Many deaths could be prevented in the smaller, open boats if people would get into the habit of wearing personal flotation devices," Ecker said. "Life jackets are comparable to seat belts in automobiles, they will not help in an accident unless you are wearing them."

Alcohol consumption continues to be

a problem, according to Ecker who cited a recent Coast Guard study, which indicated that intoxicated boaters (a blood alcohol concentration of .10 percent or above) are nearly 11 times more likely to die in a boating accident than those who stay sober.

"We believe excessive alcohol consumption plays a part in at least half of all fatal boating accidents," Ecker said.

Statistics showed that collisions between boats are the single largest cause of personal injury and property damage. Ecker urges all boaters to learn the basics of safe boat handling by taking one of the free safety courses provided through the states, the Coast Guard Auxiliary or the U.S. Power Squadrons. Δ

Ohio introduces safe boating and personal watercraft classes

A new standardized safe boating course will now be offered throughout Ohio.

The eight-hour course covers boating laws, operating laws and the Rules of the Road. The course will also contain a review of causes of boating accidents and the general guidelines of safe seamanship.

Students must score 80 percent or better on the 50 question final exam to earn the state certificate. Many insurance companies are now granting discounts to boat owners who have earned a state certificate.

To complement the new safe boating course, the Division of Watercraft is now offering a personal watercraft education course.

The classes will include hands-on training, as well as classroom instruction. Because personal watercrafts are legally boats, the classes will show that operators are bound by all the standard watercraft rules and safety requirements.

These rules will include registration requirements, Rules of the Road, local and state watercraft laws and common courtesy while engaged in the sport.

This course curriculum will offer the division an opportunity to test boaters' needs and to determine if a standardized course for personal watercraft is also needed. Δ

Pennsylvania's boating/water safety program meets growing needs

Pennsylvania has developed a variety of safety programs to meet expanding needs. One such course was developed for the Pennsylvania school system, targeting middle and high school students.

The course is also perfect for many special interest groups such as the scouts, boat clubs, youth organizations, sportsmen's clubs and YMCAs.

Emphasizing boating education through safety awareness, the course teaches practical skills in a pool or protected water area.

The course is broken into eight units, including personal flotation devices, drowning facts, small boats, accident prevention, river boating, basic rescue, hypothermia, and alcohol use while boating.

Students completing this program will receive a boating education certificate and embroidered patch.

The course is designed to be taught by a certified instructor. The recommended number of students is 16 per instructor, but this number can vary according to equipment available, student experience, and the number of instructors.

Another eight hour course developed

for the state's recreational power boaters is the *Basic Boating Program*. This course is designed to promote boating and water safety education, familiarize boaters with proper boat handling, and provide an introduction for new boaters.

A certified instructor covers the areas of federal and state regulation, hull and propulsion types, and navigation rules.

The course also touches on aids to navigation, alcohol, hypothermia, water rescue, communication, weather, anchoring, trailering and rivers and dams.

This course meets the mandatory education standards set by the National Association of State Boating Law Administrators.

An advanced water rescue course is also offered to train water rescue personnel in the most current techniques. The course is held in classrooms, open water and at a moving water site.

The three phases of the course include basic rescue (8-12 hours), boat rescues (16 hours), and special rescue situations (up to 50 hours depending on needs or geographic location).

Pennsylvania's Division of Boating Education feels these programs offer a practical approach to instruction methods for boating and water safety. Δ

Boat/U.S. sponsors grassroots grants

The Boat/U.S. Foundation is now accepting proposals for boating safety projects for the 1992-93 season. Successful projects will share in the \$35,000 available for local safety projects.

Since 1988, the Foundation for Boating Safety has awarded \$132,000 in grant money to 75 boating safety projects. The Grassroots Grants Program is only awarded to non-profit, volunteer, non-governmental local organizations.

Each proposal must be submitted on a Grassroots Grants application form and forwarded by this year's program deadline of November 2, 1992. The grant must be at least 50 percent of the

proposal's budget and is limited to \$5,000 per project.

"Last year, we supported a variety of innovative, grassroots ways to promote boating safety, from a children's life jacket lending program, a solar-powered emergency radio communication system to a carbon monoxide information campaign for anglers," said Foundation Director Jim Ellis.

The foundation is interested in new approaches to boating safety that will reach the local boater directly. The Foundation is a non-profit education and research organization funded by voluntary contributions from boat owners. Δ



Photo courtesy North Carolina Wildlife Resources Commission

North Carolina rescue workers tie off wrecked boat after a BWI accident in which eight people were injured.

Eight sent to hospital after BWI accident

A North Carolina boat operator was charged with Boating While Intoxicated after he caused a high speed collision.

The collision involved another boat and resulted in the injury of eight people, who were sent to a near-by hospital.

According to witnesses, the collision looked like a "torpedo hit," and as the pontoons of one boat pierced the other boat's hull, the two boats were skewered together.

This was one of many serious accidents involving alcohol around the country so far this year. But in North

Carolina, as well as other states, accident levels are down from previous years.

Fatalities in 1991 were the lowest ever recorded, but alcohol-related fatalities continued to be the leader, said Ed Jenkins, North Carolina Wildlife Resource Commission. Δ

Cause of accident unknown: soon a report of the past

For years, many boating accident reports have closed with, "cause of accident unknown." But, attitudes are changing rapidly as state administrators improve their accident investigation training.

In states throughout the country, law enforcement officers are receiving intensive and innovative training on boating accident investigation. One such training program, a five-day boating accident reconstruction course developed by Underwriters Laboratories, Inc. will be offered in many states this summer. Offered

through a grant from the U.S. Coast Guard, states like Illinois have found the course a major benefit to their Conservation Patrol Officers.

With the hands-on training, it's more likely that accidents will be investigated. Until recently, it was unusual for an officer in Illinois to investigate the cause of an accident, and even more unusual for a citation to be issued because of facts discovered in the investigation. But, with the new training, the Illinois Conservation Department is finding their officers are

comfortable about learning *how* an accident happened.

Accident reconstruction is increasing arrests and it enables educators to concentrate on specific areas that need extra work, such as alcohol related accidents.

Alcohol is a major accident factor in most states, and officers must be on the scene quickly to make any kind of a case.

Boating accident investigation is not yet as refined as traffic accident investigation, but with the new training available, it's catching up quickly. Δ

Boating Law Video released

Upholding the Law: A Guide to Boating While Intoxicated Enforcement, an hour-long, state-of-the-art training video, is used to train and reinforce standard procedures in law enforcement training programs throughout the country.

The video incorporates current techniques and procedures used by state boating law officials and the U.S. Coast Guard. It is broken down into four segments, each dealing with a specific aspect of BWI enforcement. After an introduction, the first segment deals with the physical effects of alcohol. The next segment deals with detection, followed by a segment on determining when and how to take action. The final segment looks at the safety of those involved.

The challenge of BWI enforcement requires informed, concerned, well trained individuals. This video is one more training tool to meet that challenge. For information, contact the Center for Recreational Communication, Inc., 923 N. Pennsylvania Ave., Winter Park, FL 32789, (407) 645-4908. Δ

35 boats were stolen today

According to the 425,000-member Boat Owners Association of the United States, 15 percent of all marine insurance claims are filed for the theft of a boat.

The statistics compiled by the National Association of Marine Investigators suggest that an average of 1,000 boats are stolen monthly — 35 boats every day. The chances of recovering a stolen boat are one in ten, and industry leaders recommend an increase in theft and vandalism awareness education. Δ

Connecticut's Safe Boating Program to begin this fall

In 1991, Connecticut's General Assembly passed the boating safety certification program. The program will replace the highly contested 1990 boater license program which allowed the state to revoke a boater's privileges under a violation point system.

The new boating safety certification will be valid for the boater's life, and the state will have no authority to revoke it. Opponents of the 1990 boater license program felt the state needed to enact legislation that was geared toward education, rather than punishing the violator after the fact.

The program will be phased in over a five year period beginning with boaters under the age of 20, and increasing in five year increments each year until October 1997.

Boaters who are members of the Coast Guard Auxiliary, U.S. Power Squadron or currently have a Coast Guard vessel operator's license are exempt. Boaters who have had a boat registered or documented in their name in the five years prior to October 1, 1992, are also exempt and will be granted a certificate automatically. Boaters operating rental boats are

exempt accept when the rental period is longer than two weeks.

All other boaters will be required to pass a 10-hour boating course or an equivalency test to receive the certificate.

The only approved courses are those taught by the Department of Environmental Protection, the Coast Guard Auxiliary, U.S. Power Squadron or National Association of State Boating Law Administrators approved private courses.

The courses will cover boat types, preparing to get underway, rules of the road, navigational aids, weather, mooring, water sports, causes of accidents and prevention plus boating laws and regulations. The exam contains 50 questions and an 80 percent minimum score is required.

An equivalency exam costs \$25 for the first time and \$10 if repeated. The courses taught by the DEP are free; the certificate fee is \$25. Personal watercraft operators are required to pass an additional two-hour course or an equivalency test and obtain a second \$25 certificate.

Children under the age of 12 will be limited to boats with a maximum motor size of 10 hp, unless a certificate holder of 18 years of age is on board. Δ

President's Viewpoint Committee Selection Difficult

Continued from page 2

president worries if his or her administration will be of any substance and if there will be issues of importance. I suspect, in our business, there will always be issues of substance, whatever form they take.

Committee charges this year took direction from either the expressed or the implied needs of various organizations (our own membership, the U.S. Coast Guard, the National Transportation Board, the U.S. Coast Guard Auxiliary,

the U.S. Power Squadron, facility development interest and industry.

The work ethic of the various committees has been admirable. My gratitude to all who contributed, especially our involved associate membership. You will learn of the commitment of these individuals at the conference, and I think you also will be appreciative of their efforts.

In closing, I want to take time to express my heartfelt appreciation to all who have assisted me during the past year. My special thanks to the man who gave more to this organization than many will ever know — George Stewart.

My best wishes to the incoming executive board and all who are professional and lasting in behalf of boating safety. Δ

Springfield welcomes NASBLA

There is still plenty of time left to mail those registration forms for the 33rd annual conference of the National Association of State Boating Law Administrators. The 1992 conference, hosted by the Missouri State Water Patrol, is being held at the Ramada Hotel in Springfield, Missouri, October 4-8.

Committee meetings will kick off the morning of October 4, followed by an Executive Board meeting and the National Safe Boating Council, beginning at 1:00 p.m. The National Safe Boating Week Committee will meet from 3:00 p.m. to 4:00 p.m. which rounds out the agenda for the day.

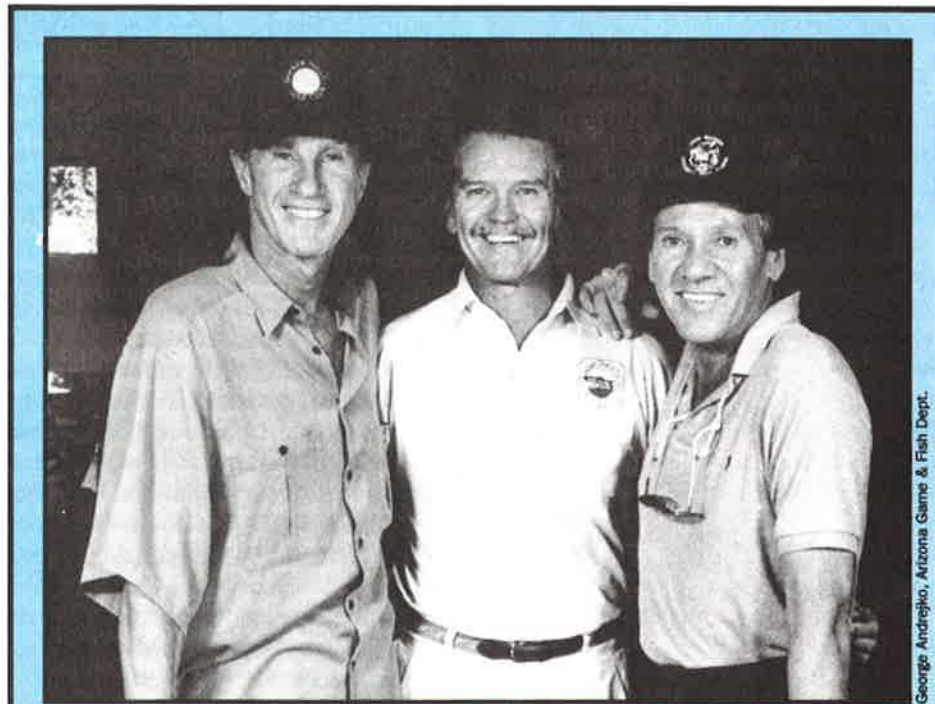


The opening day's traditional welcome for NASBLA members, will take place at the President's Reception beginning at 6:30 p.m..

Registration runs from 12:00 p.m. through 6:00 p.m. on October 4 and re-opens from 7:30 a.m. to 12:00 p.m. on October 5.

Monday's events begin at 7:30 a.m. with a welcome breakfast for all new Boating Law Administrators. At 9:00 a.m. the general assembly is called to order by NASBLA President Elizabeth Raymond. After the official welcome and a roll call, the president's and treasurer's reports will be given. The resolution procedures will be explained and the BLAs will be given the legislative report. The morning's meetings will conclude with the reading of each of the four regional reports. Following the lunch break, the day is rounded out by the associate members reports with the closing at 4:30 p.m. The balance of the day is for your own activities and dinner on your own.

Tuesday, October 6th, the conference location moves to Big Cedar Lodge in the Branson Missouri area. The beautiful resort on Table Rock Lake deep in the Ozark Mountains will be the site of the various committee meetings, lunch, on-



George Andrejko, Arizona Game & Fish Dept.

Righteous Brothers support boating safety

The Righteous Brothers have volunteered to help with and participate in the Arizona Game and Fish Department's Public Service Announcements on boating and water safety.

Pictured above are Bill Medley (left) and Bobby Hatfield (right) of the Righteous Brothers, with Don Solcum, Arizona Boating Safety Officer (center).

The Righteous Brothers' songs include "I've Had the Time of My Life" from the popular movie, Dirty Dancing, and "Unchained Melody" from the smash hit movie Ghost.

Other noted Righteous Brothers' songs include "You Lost That Lovin' Feelin'," "You're My Soul and Inspiration," and many more hits.

water demonstrations and other special events. The evening will be a special treat as the NASBLA members dine at the Mel Tillis Theatre in Branson and later attend the Mel Tillis show.

On Wednesday, the general assembly reconvenes at 8:00 a.m. and again at 1:30 p.m. to wrap-up the associate members reports, committee reports and the president's remarks. The conference concludes with the awards banquet and reception beginning at 6:30 p.m.

The hospitality suite is open every night until midnight for the enjoyment of conference attendees. The only event on Thursday, October 8 will be an 8:30 a.m. to 10:30 a.m. meeting of the new Executive Board. Registration for the conference is through the NASBLA Conference Committee, Missouri State Water Patrol,

P.O. Box 1368, Jefferson City, MO, 65102-1368. Cost is \$100.00 per conference participants and \$60.00 for the spouse/guest.

Any registrations made after the September 4th deadline will be \$125.00 and \$75.00 for the attendees and spouse/guest. When placing your reservation, indicate if an airport shuttle is required and on what date and time. The Ramada Hotel will provide that shuttle service.

Room reservations can be made by calling the Ramada Hotel at (471) 831-3131 and the room rates are \$57 for up to four persons.

A variety of spouse/guest activities are planned, some at an additional cost, contact the Conference Committee for details. Δ

Book Review

Tax Guide for The Business Use of Yachts

The *Tax Guide for the Business Use of Yachts*, identifies safe tax planning strategies and illustrates how to use IRS exceptions as an opportunity to save thousands of dollars each year. From a taxpayer's point of view, the authors analyze the best ways to comply with IRS rules and reduce the fear when claiming a boating deduction for legitimate reasons.

"Anyone working with boats needs to know about this new reference manual because most business/yacht owners are understandably apprehensive about claiming yacht deductions," said Mike Kimball, CPA, Yachtsman, author. "The majority of the costs of owning, maintaining and using your yacht will be incurred whether or not it is used for qualifying business uses... the opportunity exists to minimize... taxation..."

The authors' thorough research discusses situations, such as when a partnership or "S" corporation rents a yacht from an owner to conduct a business use. All qualified business uses are outlined in the *Tax Guide*, which explains how to correctly and easily document deductions. Depreciation methods and predominate use tests are described, and examples are provided with clear and concise explanations.

"Over and over again courts have said that there is nothing sinister in so arranging one's affairs as to keep taxes as low as possible," said Judge Learned Hand of the U.S. Court of Appeals. This statement is the foundation of the *Tax Guide*.

"Adequate" is the watch word in record keeping for the yacht owner. The *Tax Guide* takes readers step by step through the rules, and gives the non-professional tax planner the confidence and knowledge to make the system work.

The CPA authors — Mike Kimball, Roger A. Smith and Dr. Karen S. Lee — take boat owners on a direct course through the IRS maze.

The *Tax Guide for the Business Use of Yachts* by Mike Kimball, CPA, Roger A. Smith, CPA, Dr. Karen S. Lee, J.D., CPA is available at \$24.94 including postage and handling from First Class Books, 113 E. Magnesium Rd. #C., Spokane, WA 99208. Δ

Legislature targets User Fee repeals

by George Stewart

AUTHORIZATION. The Boat Safety Account of the Aquatic Resources Trust Fund (Wallop-Breaux) is authorized \$70 million for fiscal year 1993. \$35 million each to states and the Coast Guard to help defray their cost for services to the recreational boater.

APPROPRIATION. Since the boat safety account comes under discretionary funding, we must go through the annual appropriation process. The Administration has requested \$70 million as authorized for FY 1993. The House has passed the Department of Transportation Appropriation and included only \$60 million of the \$70 million authorized. At this writing the Senate has not acted on this appropriation bill.

Considerable effort is being made with the Senate Appropriation Subcommittee for transportation to hold firm for \$70 million as authorized, which is the same amount that was appropriated for FY 1992. Noteworthy is the fact that the chairman of this subcommittee is well known for his interest in safety whether it is in the air, on the highway or on the water. Chairman Lautenberg knows first hand the positive impact of these funds to his home state of New Jersey's boating safety program.

THE JONES AMENDMENT TO HR 5055, THE COAST GUARD AUTHORIZATION ACT OF 1992. Under this amendment an additional \$10 million in fiscal year 1993 would be transferred from the Sport Fish Account to the Coast Guard to be used for state grants. In fiscal years 1994 and 1995, an additional \$5 million would be transferred and an additional \$20 million would be transferred each year thereafter.

HR 5055, with the Jones amendment, passed the House of Representatives on 22 June 1992. The bill is now in the Senate. NASBLA and key boating law administrators with Senators on the National Ocean Policy Study Subcommittee are asking their Senators to support the Jones Amendment.

FEDERAL BOAT USER FEE TAX. This most hated boat user fee tax appears

to be on a fast track for repeal, phased in over the next two years (i.e.) the fee would be repealed on 1 October 1992 for boats 21' or less, on 1 October 1993 for 37' boats and less, and for all remaining boats on 1 October 1994. Several bills have been introduced, but the present vehicle to which the repeal is attached is the Coast Guard Authorization for FY 1993.

Lest anyone forget, NASBLA, from day one felt that this boat user fee made a mockery of the user fee concept: "user pays — user benefits."

LUXURY TAX ON EXPENSIVE BOATS. The luxury tax on expensive boats is expected to be repealed in this Second Session of the 102nd Congress. This luxury tax is credited with causing unemployment in the boating industry. It appears that diesel fuel tax revenue will be used to offset the luxury tax.

BOATING SAFETY AMENDMENTS TO HR 5055, COAST GUARD AUTHORIZATION ACT OF 1992. HR 5055 with amendments passed the House of Representatives on 22 June 1992 and is now in the Senate.

a.) Increased penalties for operating a vessel while intoxicated (i.e. \$1,000 for first violation and not more than \$5,000 for a subsequent violation.)

b.) Future boaters education program would increase the availability of voluntary safe boating education to individuals sixteen years of age or younger. In developing the plan, the Secretary shall consider using the resources of the Coast Guard Auxiliary to provide boating education to the greatest extent possible.

c.) Coast Guard Auxiliary Mission Report. Requires a report on ways to enlarge the mission of the Coast Guard Auxiliary and to increase Auxiliary participation in Coast Guard programs and activities.

d.) Law Enforcement Coordination Demonstration project. Requires a demonstration project in the Ninth Coast Guard District in conjunction with other appropriate officials of Federal, State and local government agencies, to increase coordination of enforcement of boating laws and regulations. Δ

Recreational boating safety receives Federal financial assistance

by George Stewart

Our best intentions to reach our goal of "safe and enjoyable boating" for all who use our nation's waterways can go astray without adequate funding. Since most of the waters we operate on are State/Federal joint jurisdictional, there is a need for a strong partnership between the states and the Coast Guard, and a full commitment from the Federal Government for federal financing.

The Federal Government has been involved in recreational boating safety since 1910, when the motor boat act of that year was enacted (P.L. 61-201). However, it was not until the Federal Boat Safety Act of 1971 (P.L. 92-75) was enacted that "federal financial assistance" was authorized to encourage the development of comprehensive state boating safety programs.

From FY 1972 to FY 1979, approximately \$40.6 million appropriated. During this eight year period, these were grants from the "general fund."

Many viewed with concern, the "general tax revenue" being directed to this special interest group, "the recreational boater"; this Federal Grant program was terminated at the end of FY 1979.

In October 1980, Congress passed the Recreational Boating Safety and Facilities Improvement Act (FL 96-451). This law authorized \$20 million to be derived annually from the motorboat fuel tax in the Highway Trust fund: \$10 million for boating safety, \$10 million for boating facilities. However, from 1980-1984 only \$25 million was appropriated.

The Deficit Reduction Act of 1984 (FL 98-369) created the "Aquatic Resources Trust Fund" more commonly known as the "Wallop/Breaux" Fund. This law continues and reaffirms Congressional intent that the special user group, the boating public, pays for a dedicated trust fund derived from Federal motor boat fuel tax.

For the next four years 1985-1988 ap-

proximately \$101.5 million was appropriated to the states. The 1988 Coast Guard Reauthorization Act continued this funding for 5 years (FY 1989-FY 1993). For the years FY 1989 - FY 1992, \$130 million was appropriated to the States.

The Surface Transportation Act of 1991 (HR 2950) extended this authorization from April 1, 1994 to April 1, 1998.

I think everyone would agree that this is indeed a model state-federal partnership and is in keeping with the user-fee concept (i.e.) user pays-user benefits.

The states, like the Federal Government, have struggled to cope with a sluggish economy. We are, however, pleased that state funding for boating safety is now averaging about 4.6 dollars of state funds for each one dollar of federal trust funds. These trust funds are very much needed to augment the state funds and has improved our credibility and effectiveness in the budgetary competition within state legislatures.

The allocation of the trust funds to the states are 1/3 equal to all states, 1/3 prorated by the number of registered boats in that state or territory, and 1/3 prorated by the state/territory expenditures to boating safety. Federal Law Title 46 U.S. Code, Chapter 131 "Recreational Boating Safety" mandates what the federal funds can be used for and state requirements to be eligible to receive these funds. The Coast Guard is the agency that administers these trust funds to the states.

The declared policy, as manifested in section two of the original act, mandated that it would "be the policy of Congress to encourage greater and continuing uniformity of boating laws and regulations as among the several states and the Federal Government, a higher degree of reciprocity and comity among the Federal Government and the several states in developing, administering and enforcing federal and state laws and regulations pertaining to boating safety."

Again, allowing the states to recoup the federal marine fuel tax that boaters pay on marine fuel used in motorboats is

a prime example of the user fees helping the user. With these funds the states have willingly assumed a major share of what is logically a joint federal/state responsibility, the states have shown credibility, consistency and resources to reach the boating public. The states have concentrated on establishing an administrative infrastructure, purchasing equipment and promoting the education and enforcement techniques to stimulate increased boating awareness, and thereby decreasing fatalities. We're pleased that this increased state effort results in savings to the Federal Government.

State BLAs feel that the Boat Safety Account of the Aquatic Resources trust fund has met the high expectations of Congress, thereby contributing to a safer environment for all who enjoy our nation's waterways. Δ

Coast Guard Comments

Continued from page 2

accident claim data. MIB has signed on about 20 companies that do a significant amount of boat underwriting. They are collecting claims data and will translate that into statistical data for us; we expect a preliminary report soon.

In other areas, we are initiating a regulatory project to propose the recommended change to remove Type IV PFDs as a primary PFD on vessels under 16 feet in length. NBSAC made the same recommendation at its May 1992 review of RBS regulations. Copies of the NBSAC meeting minutes and Chairman's consolidated report of recommendations are being mailed out to interested persons, including all BLAs. A Work Plan is undergoing legal review now, and is expected to go before the Marine Safety Council by the end of July 1992. After MSC approval, target milestones for the project are to publish an NPRM (60-day comment period) in late August and a final rule late December 1992, effective June 1, 1993. Δ

National Association of State Boating Law Administrators

Wallop-Breaux Trust Fund



11.5 cents per gallon is deposited in highway trust fund and 2.5 cents per gallon is deposited in general fund for deficit reduction.
1.08 % of total deposited in highway trust fund is attributed to motor boat fuel.

**LAND & WATER
CONSERVATION
FUND \$1,000,000**



HR2950

The Surface Transportation Act of 1991 extended the Boat Safety Authorization to 1 April 1998.

1. Fishing Tackle 10%
2. Tackle Boxes 10%
3. Electric Trolling motors 3%
4. Flash Type Fish Finders 3%

Consists of excise taxes attributable to motor boat fuels & fishing equipment, along with important duties on fishing equipment, yachts and pleasure boats and interest earned on funds, and excise taxes attributable to gasoline used in small engines.

BOAT SAFETY ACCOUNT

STATE PROGRAM 1, 2, 3

FY93	\$35 MILLION
FY94	\$35 MILLION
FY95	\$35 MILLION
FY96	\$35 MILLION
FY97	\$35 MILLION
FY98	\$35 MILLION

U.S. COAST GUARD 1

FY93	\$35 MILLION
FY94	\$35 MILLION
FY95	\$35 MILLION
FY96	\$35 MILLION
FY97	\$35 MILLION
FY98	\$35 MILLION

1. Funds used to defray costs of services to the recreational boater.
2. 1-2% used to defray costs to C.G. of administrative program.
3. up to 5% authorized to be used by non-profit organizations through C.G. grants.

SPORT FISH RESTORATION ACCOUNT: FY 1992

MOTOR BOAT FUEL TAX

\$76.0 MILLION

VARIOUS TAXES & INTERESTS

\$186.6 MILLION

***TOTAL: \$262.6 MILLION**

**10% OF THE TOTAL SHALL BE USED
FOR BOAT ACCESS**

*Of this amount 18% was allocated for activities under the Coastal Wetlands Act.