

**NASBLA MODEL ACT FOR
MANDATORY BOATING SAFETY EDUCATION
– Phase-in for all recreational boaters**

The NASBLA Model Act for Mandatory Boating Safety Education was originally adopted by the NASBLA Membership on September 13, 2000. In 2005, the NASBLA Education Committee approved and recommended an updated version as part of the Association’s Model Act Revision and Standardization Project. The model act was approved in revised form by the membership on September 21, 2005.

In 2006, the Education Committee was tasked with drafting model national guidelines for a phase-in of mandatory boating safety education. This act is intended to require motorboat operators to have and present evidence of successful completion of a NASBLA-approved course on safe boating (or an equivalency examination) or to otherwise meet the operator requirements as provided in the act. What separates this act from the 2005 Model Act for Mandatory Boating Safety Education is that this act would be applicable to the entire population of a state/territory within a period of six (6) years during a “phase-in” period.

See also the NASBLA Model Act for Vessel Operator Licensing, also originally adopted by the membership on September 13, 200, and subsequently revised and approved by the membership on September 21, 2005, as part of the aforementioned Review Project.

1 Section 1. [Short Title.] This act may be cited as the Mandatory Boating Safety
2 Education Act.

1 Section 2. [Definitions.] As used in this act:

2 (1) “Agency” means [insert name of agency designated by the legislative body to
3 administer the act.]

4 (2) “Certificate” means a boating education safety certificate issued as evidence of
5 successful completion of a course in safe boating or successful passage of an equivalency
6 examination.

7 (3) “NASBLA” means the National Association of State Boating Law Administrators.

8 (4) “Operate” or “Operating” means to navigate or otherwise control the movement of a
9 vessel, including control of the vessel’s propulsion system.

10 (5) “Operator” means the person who navigates or is otherwise in control or in charge
11 of the movement of a vessel, including control of the vessel’s propulsion system.

12 (6) “Person” means any natural person or individual.

13 (7) “Motorboat” means a recreational vessel propelled in whole or in part by
14 machinery, including a recreational vessel temporarily equipped with a detachable
15 engine.

16 (8) “Vessel” means every description of watercraft, other than a seaplane, used or
17 capable of being used as a means of transportation on the water.

18 (9) “Waters of the state” means any waters within the jurisdiction of the state.

- 1 Section 3. [Applicability.] The provisions of this act shall apply to persons:
2 (1) Less than [20] years of age, [one] year after the effective date of this act;
3 (2) Less than [30] years of age, [two] years after the effective date of this act;
4 (3) Less than [40] years of age, [three] years after the effective date of this act;
5 (4) Less than [50] years of age, [four] years after the effective date of this act;
6 (5) Less than [60] years of age, [five] years after the effective date of this act;
7 (6) [60] years of age or older, [six] years after the effective date of this act.

1 Section 4. [*Operator Requirements.*]

- 2 (a) A person shall not operate a motorboat on any waters of this state unless the operator:
3 (1) Has successfully completed a course in safe boating that is approved by the
4 National Association of State Boating Law Administrators and certified by the state or
5 passed an equivalency examination if the examination was proctored and tests the
6 knowledge of information included in the curriculum of such a course; and has received a
7 certificate as evidence of successful completion of the NASBLA-approved and state-
8 certified course or passage of the equivalency examination; or
9 (2) Possesses a valid license to operate a vessel issued for maritime personnel by the
10 United States Coast Guard pursuant to 46 CFR Part 10 or a marine certificate issued by
11 the Canadian government; or
12 (3) Possesses a state-approved non-renewable temporary operator's permit to operate
13 the motorboat which is valid for [60] days and was issued with the certificate of number
14 for the motorboat if the boat is new or was sold with a transfer of ownership; or
15 (4) Possesses a rental agreement or lease agreement provided pursuant to Section 6 of
16 this act, which lists the person as an authorized operator of the motorboat; or
17 (5) Is not a resident of this state, is temporarily using the waters of this state for a period
18 not to exceed [60] days, and meets any applicable requirements of the state of residency
19 or possesses a Canadian Pleasure Craft Operator's Card; or
20 (6) Is a person who operates a vessel under supervised training, as authorized by the
21 state.
22
23 (b) A person under [12] years of age shall not operate a motor-powered vessel on the
24 waters of this state unless accompanied on-board and directly supervised by a person [18]
25 years of age or older who holds a certificate as evidence of successful completion of the
26 NASBLA-approved and state-certified course or passage of the equivalency examination.

1 Section 5. [*Compliance; Penalties for Violation.*]

- 2 (a) A person who is operating a motorboat on any waters of this state and who is
3 stopped by a law enforcement officer in the enforcement of this act or the regulations
4 adopted pursuant thereto shall present to the officer evidence that the requirements of
5 Section 4 of this act have been met. Failure to present the evidence that the requirements
6 of Section 4 of this act have been met shall constitute prima facie evidence of a violation
7 of Section 4 of this act.
8 (b) A person who alters, forges, counterfeits or falsifies a certificate or other document
9 used as evidence that the requirements of Section 4 have been met; or who possesses a
10 certificate or other document that has been altered, forged, counterfeited or falsified; or

11 who loans or permits their certificate or other document to be used by another person
12 shall be guilty of a [insert offense].

13 (c) A person who fails to present the certificate or other document as evidence that the
14 requirements of Section 4 have been met is guilty of [insert offense] unless the person
15 presents the required documents in [insert court name] that prove the person was
16 operating the motorboat in compliance with this act on the date of the violation.

17 (d) In any proceeding for a violation of this act, the [insert court name] may suspend all
18 or part of the fine to be imposed on the defendant if the defendant completes the safe
19 boating education course approved by NASBLA and certified by the state within the time
20 limits imposed by the [insert court name].

21 (e) The [insert court name] may prohibit a person who is found to have violated any of
22 the provisions of this act from operating a motorboat upon the waters of this state until
23 the person successfully completes the safe boating education course approved by
24 NASBLA and certified by the state.

1 Section 6. [*Requirements for Motorboat Rental and Leasing Businesses.*]

2 (a) A person or the person's agent or employee engaged in the business of renting or
3 leasing motorboats for a period not exceeding [30] days shall not rent or lease a
4 motorboat to any person for operation on the waters of this state unless the person:

5 (1) Meets the provisions of Section 4 of this act; and

6 (2) Is [18] years of age or older.

7 (b) A person or the person's agent or employees engaged in the business of renting or
8 leasing motorboats shall list on each rental or lease agreement for a motorboat the name
9 and age of each person who is authorized to operate the motorboat. The person to whom
10 the motorboat is rented or leased shall ensure that only those persons who are listed as
11 authorized operators are allowed to operate the motorboat.

12 (c) A person or the person's agent or employee engaged in the business of renting or
13 leasing motorboats shall provide to each authorized operator of a motorboat a summary
14 of the statutes and regulations governing the operation of a motorboat and instructions
15 regarding the safe operation of the motorboat. Each person who is listed as an authorized
16 operator of the motorboat shall review the summary of the statutes, regulations and
17 instructions before the motorboat departs from the rental or leasing office.

18 (d) A person or the person's agent or employee engaged in the business of renting or
19 leasing motorboats may utilize a rental safety checklist which highlights the most
20 important boating safety rules and requires the person to whom the motorboat is rented to
21 initial each section to prove that he/she read it and is aware of the safety issues.

1 Section 7. [*Adoption of Rules and Regulations.*] The agency may adopt necessary
2 regulations to carry out the provisions of this act, including provisions for issuance of
3 certificates, duplicate certificates, record keeping, cooperative agreements, name and
4 address changes, the establishment of fees for boating safety courses and certificates, and
5 equivalency exam criteria.

1 Section 8. [*Effective Date.*] [Insert effective date.]