

## NASBLA MODEL ACT FOR VESSEL OPERATOR LICENSING

*This act originally was adopted by the membership of the National Association of State Boating Law Administrators on Sept. 10, 1994. In 2005, the NASBLA Education Committee reviewed, approved and recommended this version of the act to the NASBLA membership as part of the Association’s Model Acts Review and Standardization Project. The act was approved by the membership in revised form on Sept. 21, 2005.*

*The act is intended to set licensing requirements for operators of motor-powered vessels and establish the criteria to be used for issuing those operator licenses.*

*See also the NASBLA Model Act for Mandatory Boating Safety Education, originally adopted by the membership on Sept. 13, 2000, and subsequently approved as revised in 2005.*

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1 Section 1. [*Short Title.*] This act may be cited as the Vessel Operator Licensing Act.

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

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

4 (2) “Jurisdiction” means a province, territory, country or state other than [insert state name].

5 (3) “Motor-powered vessel” means a recreational vessel propelled in whole or in part by  
6 machinery, including a recreational vessel temporarily equipped with a detachable engine.

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

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

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

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

13 (8) “Valid vessel operator license” means [a motor vehicle driver’s license with a motor-  
14 powered vessel operator endorsement, or a vessel operator license or certificate containing or  
15 accompanied by photographic identification].

16 (9) “Vessel” means a motor-powered vessel.

17 (10) “Waters of the state” means any waters within the jurisdiction of the state.

1 Section 3. [*Vessel Operator License Age Requirements.*]

2 (a) On or after the following dates no person, unless exempted by Section 11 of this act, shall  
3 operate a motor-powered vessel on the waters of this state unless that person has a valid vessel  
4 operator license issued by the agency. Persons required to be licensed under this act include  
5 operators who are:

6 (1) Less than [20] years of age, [one] year after the effective date of this act;

7 (2) Less than [25] years of age, [two] years after the effective date of this act;

8 (3) Less than [30] years of age, [three] years after the effective date of this act;

9 (4) Less than [35] years of age, [four] years after the effective date of this act;

10 (5) Less than [40] years of age, [five] years after the effective date of this act;

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11 (6) [40] years of age or older, [six] years after the effective date of this act.

12 (b) No person under [12] years of age may operate a motor-powered vessel on the waters of  
13 this state unless accompanied on-board and directly supervised by a person [18] years of age or  
14 older who holds a valid vessel operator license or is exempt under Section 11 of this act.

15 (c) A person who is a least [12] years of age but less than [16] years of age may operate a  
16 motor-powered vessel on the waters of this state provided the person possesses a valid vessel  
17 operator license and the person is:

18 (1) Under the direct on-board supervision of a person [18] years of age or older who holds a  
19 valid vessel operator license or is exempt under Section 11 of this act; or

20 (2) The person is operating a motor-powered vessel powered by an engine of less than 25  
21 horsepower.

1 Section 4. [*Criteria for Issuing Vessel Operator License.*] The agency shall issue a vessel  
2 operator license to any person who:

3 (1) Has evidence of successful completion of a boating safety course approved by the National  
4 Association of State Boating Law Administrators and certified by the state; or

5 (2) Has evidence of successful passage of an equivalency examination that tests knowledge of  
6 safe boating, is prepared and administered by the agency, and has a degree of difficulty equal to  
7 or greater than that of the examination given at the conclusion of a boating safety course; or

8 (2) Possesses a valid master's, mate's, or operator's license issued by the United States Coast  
9 Guard.

**COMMENTS:** The approved course in safe boating may include those sponsored by  
the U.S. Coast Guard Auxiliary, U.S. Power Squadrons, American Red Cross, or a state,  
county or municipality. The agency responsible for issuing the licenses shall maintain a  
list of approved courses.

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

2 (a) A person who is operating a vessel on any waters of this state and is required to have a  
3 valid vessel operator license under the provisions of Section 3 of this act shall present the license  
4 to a law enforcement officer upon request. Failure of the person to present the license upon  
5 request shall constitute a [insert offense and penalty(ies)].

6 (b) A person who provides false or fictitious information in any application for a vessel  
7 operator license; or who alters, forges, counterfeits or falsifies a vessel operator license; or who  
8 possesses a vessel operator license that has been altered, forged, counterfeited or falsified shall  
9 be guilty of a [insert offense and penalty(ies)].

10 (c) A person who loans or permits their vessel operator license to be used by another person; or  
11 who operates a vessel using a vessel operator license that has not been issued to that person; or  
12 who permits anyone to operate a motor-powered vessel in violation of the provisions of this act  
13 shall be guilty of a [insert offense and penalty(ies)].

14 (d) The agency may suspend, revoke, or deny a license upon the conviction of the holder for  
15 any violation or accumulation of violations as established by this act or regulations promulgated  
16 to carry out the provisions of this act.

1 Section 6. [*Adoption of Regulations.*] The agency shall adopt requirements that set forth the  
2 content of equivalency examinations and the criteria to establish authorized agents. The agency  
3 may promulgate regulations to carry out the provisions of this act, including provisions for  
4 examinations, issuance of licenses, duplicate licenses, renewals, record keeping, requirements for

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5 notification of legal name and address change, the establishment of fees for boating safety  
6 courses and examinations, issuing education certificates, providing public information, and  
7 administration of the program.

1 Section 7. [*Fees.*] Any fees established and collected pursuant to this act shall be deposited in  
2 a separate fund to be used for administrative costs of this act, boating safety education, and  
3 marine law enforcement.

1 Section 8. [*Change of Name or Address.*] If the name or address of a person who possesses a  
2 vessel operator license is changed, the holder shall notify the agency within [15] days.

1 Section 9. [*Expiration of License.*] A vessel operator license issued under this act shall be valid  
2 for a period not to exceed [insert number of years] from the date of issuance.

1 Section 10. [*Issuance of License to Non-Resident.*]

2 (a) A non-resident of the state who holds a certificate demonstrating successful completion of a  
3 NASBLA-approved safe boating course from another jurisdiction whose requirements meet or  
4 exceed the provisions of this act may obtain a resident vessel operator license upon presentation  
5 of that certificate to the agency.

6 (b) A non-resident who holds a valid vessel operator license from another jurisdiction whose  
7 requirements meet or exceed the provisions of this act may obtain a resident vessel operator  
8 license by presenting and surrendering the current license to the agency.

1 Section 11. [*Exemptions.*] A person is exempt from the provisions of this act if the person is:

2 (1) Operating a vessel on a privately-owned body of water not open to the public.

3 (2) Operating a vessel as a student engaged in a vessel operator training program certified by  
4 the agency.

5 (3) A non-resident [12] years of age or older who possesses a valid vessel operator license  
6 issued by the responsible agency in that person's jurisdiction of residence or has successfully  
7 completed a NASBLA-approved state certified course.

8 (4) A non-resident [12] years of age but less than [16] years of age whose jurisdiction of  
9 residence does not require a vessel operator license. The person shall be exempt from the  
10 licensing requirements of this act for a cumulative operation period of not more than [90] days in  
11 any calendar year, provided the person is under the direct on-board supervision of a person [18]  
12 years of age or older who holds a valid vessel operator license or is exempt under the provisions  
13 of this act.

14 (5) A non-resident [16] years of age or older whose jurisdiction of residence does not require a  
15 vessel operator license. The person shall be exempt from the licensing requirements of this act  
16 for a cumulative operation period of not more than [90] days in any calendar year.

17 (6) [16] years of age or older and operating a vessel that is rented or chartered from a licensed  
18 rental business, and possesses on board the vessel a copy of the rental or charter agreement and a  
19 signed statement showing the following:

20 (i) The renter has been instructed in the proper and safe operation of the vessel by the lessor;  
21 and

22 (ii) The vessel operator license of the renter is not currently under suspension or revocation.

1 Section 12. [*Effective Date.*] [Insert effective date.]