

# RECREATIONAL BOATERS OF CALIFORNIA

## Proposed Vessel Operator Certification Legislation as Developed Through Stakeholder Process

*As of May 3, 2007*

Section 670 is added to the Harbors and Navigation Code, to read:

670. (a) Subject to the schedule in subdivision (b) a person shall not operate a vessel that is propelled by an engine, regardless of whether the engine is the principal source of propulsion, unless the person has in his or her possession a vessel operator certificate issued by the department pursuant to this section.

(b) Subdivision (a) applies to a person pursuant to the following implementation schedule:

- (1) On and after January 1, 2011: A person 20 years of age or younger.
- (2) On and after January 1, 2012: A person 25 years of age or younger.
- (3) On and after January 1, 2013: A person 35 years of age or younger.
- (4) On and after January 1, 2014: A person 40 years of age or younger.
- (5) On and after January 1, 2015: A person 45 years of age or younger.
- (6) On and after January 1, 2016: A person 50 years of age or younger.
- (7) On and after January 1, 2017: A person 60 years of age or younger.
- (8) On and after January 1, 2018: All persons, regardless of age.

(c) (1) The department shall issue a vessel operator certificate to a person who provides the department with proof that the person has passed a vessel operator test approved by the department.

(2) The department shall provide a vessel operator test on the department's Internet Web site. The department shall provide links from its Internet Web site to approved tests that are available online. If the department contracts for the provision of services with test vendors, the department shall contract with more than one entity for that same service.

(d) A vessel operator certificate shall be valid for the life of the person to whom it is issued.

(e) This section does not apply to any of the following:

(1) A person who is operating a boat that is not permanently moored in California and either: [i] is temporarily using the waters of this state for a period not to exceed sixty (60) days, and meets the applicable requirements of the state of residency; or [ii] is temporarily using the waters of this state for a period not to exceed ninety (90) days, and meets the applicable requirements of the country of residency.

(2) A person operating a vessel while under the direct supervision of a person 18 years of age or older who is in possession of a vessel operator certificate or who is not required to possess a vessel operator certificate pursuant to subdivision (f) or (g).

(3) A person operating a vessel in an organized regatta or vessel race, or water ski race.

(4) A person operating a vessel who is in possession of a rental vessel operator certificate.

(5) A person operating a rental vessel, except for a personal watercraft, who is over the age of 16, while under the direct supervision of a person 16 years of age or older who is in possession of a rental vessel operator certificate.

(6) A person operating a personal watercraft who is over 16 years of age, while under the direct supervision of a person 18 years of age or older who is in possession of a rental vessel operator certificate.

(f) This section does not apply to a person operating a vessel who has a valid marine operator license issued by the United States Coast Guard.

(g) (1) On and after January 1, 2011, a person who provides a vessel that is propelled by an engine, regardless of whether the engine is the principal source of propulsion, for rent in California shall require that the renter or operator of the rental vessel show proof of possession of a vessel operator certificate, before renting the vessel. If the renter or operator of the rented vessel does not possess a vessel operator certificate, the rental agent shall provide the renter or operator of the vessel with a rental vessel operator certificate developed or approved by the department and a map of the waterway the renter or operator indicates is the location of intended operation.

(2) The rental vessel operator certificate shall be provided only to a person who takes and passes a rental vessel operator course that is developed or approved by the department for the purpose of this section. The rental vessel operator course shall be tailored to and recognize the vessel rental situation, include information specific to the type of vessel and the type of waterway, and provide information concerning state boating laws, operating instructions, equipment operation, and safety information.

(3) A person who rents a vessel and is otherwise required to possess a vessel operator certificate may instead possess the rental vessel operator certificate and may operate a rental vessel in California for a period of not more than 30 days from the initial rental date.

(h) A person who violates this section is guilty of an infraction, and subject to a fine of not more than one hundred dollars (\$100) upon conviction of an initial violation of this section, not more than two hundred fifty dollars (\$250) upon conviction of a second violation of this section, and not more than five hundred dollars (\$500) upon conviction of a third or subsequent violation of this section. In addition to the fines imposed by this subdivision, a person convicted of violating this section shall be ordered by the court to complete and pass a boating safety course approved by the department as provided in Section 668.1. The fine shall be waived, less a transaction fee, if the vessel operator presents information that the court or a state or local agency approved by the department determines the person had a valid vessel operator certificate at the time of the citation. A person who has been ordered by the court to complete and pass a boating safety course pursuant to this section shall submit to the court proof of completion and passage of the course within seven months of the time of his or her conviction. The proof shall be in a form that has been approved by the department and that provides for the ability to submit

the form to the court or a state or local agency approved by the department through the United States Postal Service or other certified means of transmission. If the person who has been required to complete and pass a boating safety course is under 18 years of age, the court may require that the person obtain parental consent to enroll in the course.

(i) The department, on or before December 31, 2009, shall develop the vessel operator certificate and rental vessel operator certificate to be issued pursuant to this section.

(j) On or before December 31, 2015, and on or before December 31 of each subsequent year, the department shall prepare a report regarding the total number of certificates issued and the correlation between certificates and the number of vessel accidents, injuries, and fatalities.

(k) It is the intent of the Legislature, in enacting this section, to encourage the boating community to work together to develop education and training materials and courses that will enable the operators of vessels powered by sail and vessels that are hand-propelled to have the necessary knowledge on the laws and regulations that apply to the operation of vessels in order to reduce accidents, injuries and fatalities.

(l) The department shall charge a fee not to exceed \$13 for a vessel operator certificate issued pursuant to this section, and a separate fee not to exceed \$7 to be paid by those individuals who take the vessel operator test provided on the department's website pursuant to this section. The fees received shall be deposited in the Harbors and Watercraft Revolving Fund and shall be dedicated to the department's costs associated with the implementation of this section. The department may increase the fees on January 1 of each year by an amount not greater than the cumulative percentage increase in the United States Department of Labor Consumer Price Index, rounded down to the nearest dollar, if the department determines that the increase is necessary to cover the department's costs associated with implementation of this section.

(m) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

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