

AMENDED IN ASSEMBLY APRIL 22, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2110**

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**Introduced by Assembly Member Duvall**

February 20, 2008

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An act to add and repeal Article 1.3 (commencing with Section 675) of Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 2110, as amended, Duvall. Vessel operator cards.

(1) Existing law prohibits the operation or navigation of a for-hire vessel, as defined, in the waters of California while carrying passengers, except by a person who holds a valid operator's license issued by the Department of Boating and Waterways. Under existing law, a person applying for an operator's license is required to undergo an examination, which may include, among other things, an inspection of the for-hire vessel.

Existing law requires the department to approve boating safety courses and personal watercraft education courses, as specified.

This bill would prohibit the operation of a vessel that is propelled by an engine in the waters of the state, except by a person who is in possession of a valid vessel operator card developed and issued by the department, and would impose that prohibition on persons pursuant to a specified schedule. The bill would exempt certain persons from that requirement and would allow a person who rents a vessel to instead possess a rental *vessel* operator card, as specified.

The bill would require the department to develop vessel operator cards and issue a vessel operator card to a person who provides the

department with proof that the person has passed a vessel operator examination and would require the department to provide links to approved examinations on its Web site. The bill would require the department to charge a fee for those cards and for examinations, ~~would require those fees to be deposited in the Harbors and Watercraft Revolving Fund, and would require the moneys from those fees to be used, upon appropriation by the Legislature, to reimburse the department's costs associated with the implementation of~~ *establish the Vessel Operator Certification Account in the Harbors and Watercraft Revolving Fund, and would require the fees to be deposited in that account. The bill would authorize the department to expend the moneys in the account, upon appropriation by the Legislature, for purposes of* the vessel operator card program.

The bill would authorize the department to adopt implementing regulations.

The bill would provide that a violation of the above provisions is an infraction, and would require a court to order a person who violates those provisions to complete and pass a boating safety course approved by the department. By creating a new infraction, this bill would impose a state-mandated local program.

The provisions of the bill would be repealed on January 1, 2022.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Article 1.3 (commencing with Section 675) is  
2 added to Chapter 5 of Division 3 of the Harbors and Navigation  
3 Code, to read:

4  
5 Article 1.3. Vessel Operators' Cards

6  
7 675. The department may adopt regulations to implement this  
8 article or to make this article more specific.

1 675.3. (a) On or before December 31, 2010, the department  
2 shall develop a vessel operator card and a rental vessel operator  
3 card to be issued pursuant to this article.

4 (b) (1) The department shall issue a vessel operator card to a  
5 person who provides the department with proof that the person  
6 has passed a vessel operator examination approved by the  
7 department or a vessel operator course that includes a test and is  
8 approved by the department pursuant to Section 668.1 or 668.3.

9 (2) The department may charge a fee not exceeding thirteen  
10 dollars (\$13) for an initial or duplicate vessel operator card issued  
11 pursuant to paragraph (1).

12 (c) Except for a rental vessel operator card issued pursuant to  
13 Section 676.5, a vessel operator card shall be valid for the life of  
14 the person to whom it is issued.

15 675.5. (a) The department shall provide a vessel operator  
16 examination on the department's Internet Web site and shall  
17 provide links from the department's Internet Web site to vessel  
18 operator examinations approved by the department that are  
19 available on the Internet. If the department contracts for the  
20 provision of vessel operator test services with test vendors, the  
21 department shall conduct a formal competitive bid process and  
22 shall contract with more than one test vendor for those test services.

23 (b) In addition to the fee charged pursuant to paragraph (2) of  
24 subdivision (b) of Section 675.3, the department may charge a fee  
25 not exceeding seven dollars (\$7) to a person for an initial or  
26 duplicate vessel operator card, if that person completed a vessel  
27 operator examination provided on the department's Web site  
28 pursuant to subdivision (a).

29 ~~675.7. The fees collected pursuant to paragraph (2) of~~  
30 ~~subdivision (b) of Section 675.3 and subdivision (b) of Section~~  
31 ~~675.5 shall be deposited in the Harbors and Watercraft Revolving~~  
32 ~~Fund and, upon appropriation by the Legislature, shall be used to~~  
33 ~~reimburse the department's costs associated with implementing~~  
34 ~~this article.~~

35 *675.7. (a) The fees collected pursuant to paragraph (2) of*  
36 *subdivision (b) of Section 675.3 and subdivision (b) of Section*  
37 *675.5 shall be deposited in the Vessel Operator Certification*  
38 *Account, which is hereby established within the Harbors and*  
39 *Watercraft Revolving Fund.*

1 (b) *The department may expend the moneys in the Vessel*  
 2 *Operator Certification Account, upon appropriation by the*  
 3 *Legislature, for purposes of implementing this article.*

4 675.9. On or before December 31, 2016, and on or before  
 5 December 31 annually thereafter, the department shall prepare a  
 6 report regarding the total number of vessel operator cards issued  
 7 pursuant to this article and shall include information about the  
 8 correlation between vessel operator cards issued and the number  
 9 of accidents, injuries, and fatalities related to the operation of  
 10 vessels in the state.

11 676. (a) Subject to the schedule in subdivision (b), a person  
 12 shall not operate on waters subject to the jurisdiction of the state  
 13 ~~or~~ a vessel that is propelled by an engine, regardless of whether  
 14 the engine is the principal source of propulsion, unless the person  
 15 has in his or her possession a vessel operator card issued by the  
 16 department pursuant to subdivision (b) of Section 675.3.

17 (b) A person is subject to subdivision (a) according to the  
 18 following schedule:

19 (1) On and after January 1, 2012: A person 20 years of age or  
 20 younger.

21 (2) On and after January 1, 2013: A person 25 years of age or  
 22 younger.

23 (3) On and after January 1, 2014: A person 35 years of age or  
 24 younger.

25 (4) On and after January 1, 2015: A person 40 years of age or  
 26 younger.

27 (5) On and after January 1, 2016: A person 45 years of age or  
 28 younger.

29 (6) On and after January 1, 2017: A person 50 years of age or  
 30 younger.

31 (7) On and after January 1, 2018: A person 60 years of age or  
 32 younger.

33 (8) On and after January 1, 2019: All persons, regardless of age.

34 (c) This section does not apply to the following:

35 (1) A person who is a resident of another state or a foreign  
 36 country who is operating a vessel that is not permanently moored  
 37 in California and meets either of the following requirements:

38 (A) The person is temporarily using the waters of this state for  
 39 a period not to exceed 60 days, and meets the applicable  
 40 requirements of his or her state of residency.

1 (B) The person is temporarily using the waters of this state for  
2 a period not to exceed 90 days, and meets the applicable  
3 requirements of ~~the~~ *his or her* country of residency.

4 (2) A person operating a vessel while under the direct  
5 supervision of a person 18 years of age or older who meets both  
6 of the following requirements:

7 (A) Is not engaged in any other activity.

8 (B) Is in possession of a vessel operator card issued pursuant  
9 to subdivision (b) of Section 675.3 or Section 676.5 or is not  
10 required to possess a vessel operator card pursuant to subdivision  
11 (d).

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

14 (4) A person operating a rented vessel who is in possession of  
15 a rental vessel operator card pursuant to Section 676.5.

16 (5) A person operating a rental vessel, or a personal watercraft,  
17 who is 16 years of age or older and is under the direct supervision  
18 of a person 18 years of age or older who is in possession of a rental  
19 vessel operator card issued pursuant to Section 676.5.

20 (d) This section does not apply to a person who has in his or  
21 her possession a valid marine operator license issued by the United  
22 States Coast Guard.

23 676.5. (a) On and after January 1, 2012, a person who provides  
24 for rent a vessel that is propelled by an engine, regardless of  
25 whether the engine is the principal source of propulsion, shall  
26 require the renter or operator of the rental vessel to show proof of  
27 possession of a vessel operator card issued pursuant to subdivision  
28 (b) of Section 675.3 before renting the vessel. If the renter or  
29 operator of the rented vessel does not provide proof of possession  
30 of a vessel operator card, the rental agent shall issue to the renter  
31 or operator of the rental vessel a rental vessel operator card  
32 developed by the department pursuant to subdivision (a) of Section  
33 675.3 and a map of the waterway the renter or operator indicates  
34 is the location of intended operation.

35 (b) The rental vessel operator card shall be issued only to a  
36 person who completes and passes a rental vessel operator course  
37 that is developed or approved by the department for the purpose  
38 of this section. The rental vessel operator course shall be tailored  
39 to and recognize the vessel rental circumstances, include  
40 information specific to the type of vessel and the type of waterway,

1 and provide information concerning state boating laws, operating  
2 instructions, equipment operation, and boating safety.

3 (c) Subdivision (a) of Section 676 does not apply to a person  
4 who rents a vessel and is required pursuant to subdivision (a) of  
5 Section 676 to possess a vessel operator card if that person is in  
6 possession of a rental vessel operator card issued pursuant to  
7 subdivision (a) of this section.

8 (d) A rental vessel operator card shall be valid for a period of  
9 not more than 30 days from the date of the initial rental for which  
10 the card was issued pursuant to subdivision (a).

11 677. (a) A violation of this article is an infraction.

12 (b) A person convicted of an infraction for a violation of this  
13 article shall be punished as follows:

14 (1) For an initial conviction, by a fine of not more than one  
15 hundred dollars (\$100).

16 (2) For a second conviction, by a fine of not more than two  
17 hundred fifty dollars (\$250).

18 (3) For a third or subsequent conviction, by a fine of not more  
19 than five hundred dollars (\$500).

20 (c) A fine imposed pursuant to subdivision (b) shall be waived,  
21 less a transaction fee, if the vessel operator provides proof that the  
22 operator was in possession of a valid vessel operator card or rental  
23 vessel operator card at the time of the citation.

24 (d) (1) In addition to the fines imposed by subdivision (b), the  
25 court shall order a person convicted of violating this article to  
26 complete and pass a boating safety course approved by the  
27 department pursuant to Section 668.3.

28 (2) If a person who is ordered to complete and pass a boating  
29 safety course pursuant to paragraph (1) is 18 years of age or  
30 younger, the court may require that person to obtain the consent  
31 of a parent or guardian to enroll in that course.

32 (3) A person who has been ordered by a court to complete a  
33 boating safety course pursuant to paragraph (1) shall submit to the  
34 court proof of completion and passage of the course within seven  
35 months of the date of his or her conviction. The proof shall be in  
36 a form that has been approved by the department and that is capable  
37 of being submitted to the court or a state or local agency approved  
38 by the department through the United States Postal Service or  
39 another certified means of transmission.

1 678. It is the intent of the Legislature, in enacting this article,  
2 to encourage the boating community to work together to develop  
3 education and training materials and courses that will enable the  
4 operators of vessels powered by sail and vessels that are  
5 hand-propelled to obtain the necessary knowledge of the laws and  
6 regulations that apply to the operation of vessels to reduce  
7 accidents, injuries, and fatalities.

8 679. This article shall remain in effect only until January 1,  
9 2022, and as of that date is repealed, unless a later enacted statute,  
10 that is enacted before January 1, 2022, deletes or extends that date.

11 SEC. 2. No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.