

AMENDED IN SENATE APRIL 7, 1997

AMENDED IN SENATE MARCH 31, 1997

SENATE BILL

No. 545

Introduced by Senator Rosenthal

February 24, 1997

An act to add Section 658.6 to, and to repeal and add Section 658.5 of, the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 545, as amended, Rosenthal. Operation of motorboats.

(1) Existing law makes a person who permits another person under 12 years of age to operate a motorboat, as defined, under certain circumstances guilty of an infraction and makes a person under 12 years of age who operates a motorboat under those circumstances guilty of an infraction with specified penalties upon conviction of a violation.

This bill, instead, would make a person under 16 years of age who operates a motorboat, with a specified exception, guilty of an infraction and would make a person who permits another person under 16 years of age to operate a motorboat, with the specified exception, guilty of an infraction. Because the bill would change the definition of, and create, new crimes, the bill would impose a state-mandated local program.

(2) Existing law does not require the operator of a motorboat on the waters of this state to possess a license to operate that motorboat.

This bill would prohibit a person ~~16 years of age or older~~ from operating a motorboat on the waters of this state without

a photographic identification and a boating safety identification card issued by the Department of Boating and Waterways, as specified. *Until December 31, 2002, the prohibition would apply to a person born after January 1, 1982, and on and after January 1, 2003, the prohibition would apply to any person 21 years of age or younger.* The bill would make a person who violates the prohibition guilty of an infraction with specified penalties. Because the bill would create a new crime, the bill would impose a state-mandated local program.

(3) 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. Section 658.5 of the Harbors and
2 Navigation Code is repealed.

3 SEC. 2. Section 658.5 is added to the Harbors and
4 Navigation Code, to read:

5 658.5. (a) Any person under 16 years of age who
6 operates a motorboat, except for a dinghy used directly
7 to or from a moored vessel and the shoreline, on the
8 waters of this state is guilty of an infraction.

9 (b) Any person who permits any other person under
10 16 years of age to operate a motorboat in violation of
11 subdivision (a) is guilty of an infraction.

12 SEC. 3. Section 658.6 is added to the Harbors and
13 Navigation Code, to read:

14 ~~658.6. (a) On or after the dates specified in~~
15 ~~subdivision (b), no person 16 years of age or older shall~~

16 658.6. (a) *Until December 31, 2002, a person born*
17 *after January 1, 1982, and on or after January 1, 2003, a*
18 *person 21 years of age or younger, may not operate on the*
19 *waters of this state a vessel powered by a motor of 10*
20 *horsepower or greater unless that person has in his or her*



1 possession, aboard the vessel, photographic identification
2 and a boating safety identification card issued by the
3 department ~~which~~ *that* shows that the person has done
4 either of the following:

5 (1) Completed a boating education course approved
6 by the National Association of State Boating Law
7 Administrators and certified by the department.

8 (2) Passed a boating education course equivalency
9 examination developed or approved by the department.

10 ~~(b) Subdivision (a) shall be applicable to persons~~
11 ~~subject to its provisions, as follows:~~

12 ~~(1) Persons born on or after January 1, 1978, shall~~
13 ~~obtain the boating safety identification card on or before~~
14 ~~January 1, 1999.~~

15 ~~(2) Persons born on or after January 1, 1958, but before~~
16 ~~January 1, 1978, shall obtain the boating safety~~
17 ~~identification card on or before January 1, 2000.~~

18 ~~(3) Persons born before January 1, 1958, shall obtain~~
19 ~~the boating safety identification card on or before January~~
20 ~~1, 2001.~~

21 *(b) Persons subject to subdivision (a) shall have a*
22 *period of 30 days after the purchase of a new vessel by that*
23 *person or that person's immediate family to comply with*
24 *subdivision (a). The department shall define "immediate*
25 *family" for the purposes of this subdivision.*

26 (c) The department may designate agents to
27 administer the boating education course or boating
28 education course equivalency examination and issue
29 boating safety identification cards required by
30 subdivision (a) under guidelines established by the
31 department. The department shall ensure that boating
32 education courses, boating education course equivalency
33 examinations, and boating safety identification cards are
34 available in each county of the state.

35 (d) A boating safety identification card issued to a
36 person who has completed a boating education course or
37 passed a boating education course equivalency
38 examination is valid for life.

39 (e) Subdivision (a) does not apply to a person who
40 meets any of the following conditions:



1 (1) The person holds a valid master's, mate's, or
2 operator's license issued by the United States Coast
3 Guard.

4 (2) The person operates a vessel only on a private lake
5 or pond.

6 (3) The person is a nonresident who has in his or her
7 possession proof that he or she has completed a boating
8 education course or passed a boating education course
9 equivalency examination in another state that meets or
10 exceeds the requirements of subdivision (a).

11 (4) The person is exempted by rule of the department.

12 ~~(f)~~

13 (5) *A person using a rented or leased vessel if all of the*
14 *following conditions are met:*

15 (i) *The person rents or leases the vessel from a boat*
16 *business licensed by a city or county.*

17 (ii) *The rental or lease contract specifies that the*
18 *renter or lessee has been instructed by the owner of the*
19 *business or the authorized agent of the owner in the safe*
20 *operation of the vessel and the hazards of unsafe*
21 *operation of the vessel.*

22 (iii) *The owner of the business has complied with the*
23 *terms of the rental or lease contract, and all parties sign*
24 *the contract.*

25 (g) *The department shall attempt to provide the*
26 *equivalency examination at no charge to the boater. If the*
27 *department determines that an examination fee is*
28 *necessary, the fee set by the department shall not exceed*
29 *five dollars (\$5).*

30 (h) A person who violates this section is guilty of an
31 infraction punishable in the same manner that a violation
32 of Section 658.5 is punished pursuant to subdivision (j) of
33 Section 668 and Section 668.1.

34 SEC. 4. No reimbursement is required by this act
35 pursuant to Section 6 of Article XIII B of the California
36 Constitution because the only costs that may be incurred
37 by a local agency or school district will be incurred
38 because this act creates a new crime or infraction,
39 eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section



1 17556 of the Government Code, or changes the definition
2 of a crime within the meaning of Section 6 of Article
3 XIII B of the California Constitution.

4 Notwithstanding Section 17580 of the Government
5 Code, unless otherwise specified, the provisions of this act
6 shall become operative on the same date that the act
7 takes effect pursuant to the California Constitution.

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