

Senate Bill No. 545

CHAPTER 747

An act to amend Section 668.1 of, to add Section 658.6 to, and to repeal and add Section 658.5 of, the Harbors and Navigation Code, relating to vessels.

[Approved by Governor October 7, 1997. Filed
with Secretary of State October 7, 1997.]

LEGISLATIVE COUNSEL'S DIGEST

SB 545, Rosenthal. Operation of vessels.

(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 vessel powered by a motor of greater than 15 horsepower , with specified exceptions, guilty of an infraction, unless the vessel does not exceed 30 feet in length and is designed to use wind as its principal source of propulsion, or unless it is a dinghy used directly between a moored vessel and the shoreline or between a moored vessel and another moored vessel.

The bill would further specify that a person 12, 13, 14, or 15 years of age who operates a vessel powered by a motor of greater than 15 horsepower, or a vessel that exceeds 30 feet in length and is designed to use wind as its principal source of propulsion, is guilty of an infraction, unless the vessel meets the qualifications stated above, or unless the person is accompanied in the vessel by a person who is at least 18 years of age and who is attentive and supervising the operation of the vessel.

The bill would specify that these provisions shall not apply to a person who operates a vessel as a performer in a professional exhibition; a person engaged in an organized regatta, vessel race, or water ski race; or a person engaged in a specified marine event.

The bill also would make a person who permits another person under 16 years of age to operate a vessel in violation of these provisions, with the specified exceptions, 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.

The bill, among other things, also would require the Department of Boating and Waterways, by October 1, 1998, to report to the

Legislature on its recommendations for enhancement and expansion of boating safety and education, as specified.

(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.

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

SECTION 1. Section 658.5 of the Harbors and Navigation Code is repealed.

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

658.5. (a) Except as provided in subdivision (b), no person under 16 years of age shall operate a vessel powered by a motor of greater than 15 horsepower, except for a vessel that does not exceed 30 feet in length and is designed to use wind as its principal source of propulsion, or a dinghy used directly between a moored vessel and the shoreline or between a moored vessel and another moored vessel.

(b) Except as provided in subdivision (a), no person 12, 13, 14, or 15 years of age shall operate a vessel powered by a motor of greater than 15 horsepower, or a vessel that exceeds 30 feet in length and is designed to use wind as its principal source of propulsion, unless the person is accompanied in the vessel by a person who is at least 18 years of age and who is attentive and supervising the operation of the vessel.

(c) Subdivisions (a) and (b) do not apply to any of the following:

(1) A person who operates a vessel as a performer in a professional exhibition.

(2) A person engaged in an organized regatta, vessel race, or water ski race.

(3) A person engaged in a marine event authorized pursuant to Section 268.

(d) Any person who violates this section, and any person who permits any other person under 16 years of age to operate a vessel in violation of this section, is guilty of an infraction.

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

658.6. (a) The department, by October 1, 1998, shall report to the Legislature on its recommendations for enhancement and expansion of boating safety and education. The recommendations shall consider the findings and data in the department's annual California Boating Accident Report and shall focus on strategies to improve vessel-operator knowledge and boating safety. The department's



study shall include, but not be limited to, an examination of both voluntary and mandatory education.

(b) In preparing the report required by subdivision (a), the director, by February 1, 1998, shall appoint a Boating Safety Advisory Committee which shall include, but not be limited to, representatives of the Boating and Waterways Commission; boating law enforcement agencies; the United States Power Squadron; the United States Coast Guard Auxiliary; entities that provide boating education courses; personal watercraft organizations; boat dealers and yacht brokers; boating, sailing, and yachting organizations; owners and operators of public and private marina facilities; boat rental operators; lifeguards and harbormasters; and boating accident victims. The committee shall meet and present recommendations to the department by July 1, 1998. The members of the committee shall serve without compensation and shall not be reimbursed by the state for expenses. The department shall assist the committee in carrying out its duties.

SEC. 4. Section 668.1 of the Harbors and Navigation Code is amended to read:

668.1. (a) Any person convicted of a violation of subdivision (b), (c), (d), (e), or (f) of Section 655 pertaining to a mechanically propelled vessel but not to manipulating any water skis, an aquaplane, or similar device, when the conviction resulted from the operation of a vessel, shall be ordered by the court to complete and pass a boating safety course approved by the department.

(b) Any person convicted of a violation of subdivision (a) of Section 655 or of Section 655.2, 655.6, 658, or 658.5 of this code, or Section 191.5 of the Penal Code, when the conviction resulted from the unlawful operation of a vessel, may be ordered by the court to complete and pass a boating safety course approved by the department.

(c) Any person convicted of a violation of Section 655.2, 655.6, 658, or 658.5 of this code, or Section 191.5 of the Penal Code, when the conviction resulted from the operation of a vessel within seven years of a previous conviction of any of those violations, shall be ordered by the court to complete and pass a boating safety course approved by the department.

(d) Any 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 through the United States Postal Service. 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. If the person does not complete and pass the boating



safety course, the court may extend the period for completion or impose another penalty as prescribed by statute.

(e) The department shall adopt regulations to carry out this section, including approval of boating safety education courses, prescribing the forms for proof of completion and passage, and setting forth any fees to be charged to course participants, which fees shall not exceed the expenses associated with providing the course.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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

