

ASSEMBLY BILL

No. 1287

Introduced by Assembly Member Davis

February 26, 1999

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1287, as introduced, Davis. Operation of vessels: boating safety courses.

Existing law provides that any person convicted of specified provisions of existing law governing the operation of vessels may be ordered by the court to complete and pass a boating safety course approved by the Department of Boating and Waterways, when the conviction resulted from the unlawful operation of a vessel.

This bill would require, rather than permit, the person to be ordered by the court to complete and pass the course.

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

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

1 SECTION 1. Section 668.1 of the Harbors and
2 Navigation Code is amended to read:
3 668.1. (a) Any person convicted of a violation of
4 subdivision (b), (c), (d), (e), or (f) of Section 655
5 pertaining to a mechanically propelled vessel but not to
6 manipulating any water skis, an aquaplane, or similar

1 device, when the conviction resulted from the operation
2 of a vessel, shall be ordered by the court to complete and
3 pass a boating safety course approved by the department.

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

10 (c) Any person convicted of a violation of Section
11 655.2, 655.6, 658, or 658.5 of this code, or Section 191.5 of
12 the Penal Code, when the conviction resulted from the
13 operation of a vessel within seven years of a previous
14 conviction of any of those violations, shall be ordered by
15 the court to complete and pass a boating safety course
16 approved by the department.

17 (d) Any person who has been ordered by the court to
18 complete and pass a boating safety course pursuant to this
19 section shall submit to the court proof of completion and
20 passage of the course within seven months of the time of
21 his or her conviction. The proof shall be in a form that has
22 been approved by the department and that provides for
23 the ability to submit the form to the court through the
24 United States Postal Service. If the person who has been
25 required to complete and pass a boating safety course is
26 under 18 years of age, the court may require that the
27 person obtain parental consent to enroll in the course. If
28 the person does not complete and pass the boating safety
29 course, the court may extend the period for completion
30 or impose another penalty as prescribed by statute.

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

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