

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1209

Short Title: Personal Watercraft Safety.

(Public)

Sponsors: Representative Preston.

Referred to: Wildlife Resources, if favorable, Ways and Means.

April 15, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPROVE BOATING SAFETY BY AMENDING THE STATE LAW REGULATING PERSONAL WATERCRAFT OPERATION TO CONFORM WITH THE RECOMMENDATIONS OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS AND TO OTHERWISE IMPROVE PERSONAL WATERCRAFT SAFETY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 75A-13.3 reads as rewritten:

"§ 75A-13.3. Personal watercraft.

(a) No person shall operate a personal watercraft on the waters of this State at any time between ~~the hours from one hour after sunset to one hour before~~ and sunrise. For purposes of this section, "personal watercraft" means a small vessel which uses an outboard or propeller-driven motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vehicle.

(b) Except as otherwise provided in this subsection, no person under 16 years of age shall operate a personal watercraft on the waters of this State, ~~nor shall and it is unlawful for the owner of a personal watercraft or a person who has temporary or permanent responsibility for a person under the age of 16 to knowingly allow a person~~

1 ~~under the age of 16~~ that person to operate a personal watercraft. A person of at least 13
2 years of age but under 16 years of age may operate a personal watercraft on the waters of
3 this State if:

- 4 (1) The person is accompanied by a person of at least ~~16~~18 years of age
5 who physically occupies the watercraft; or
6 (2) The person ~~(i) possesses a boating safety certificate or a photographic~~
7 ~~identification card certifying that the person has completed a boating~~
8 ~~safety course approved by the United States Coast Guard Auxiliary. on~~
9 ~~his or her person while operating the watercraft, identification showing~~
10 ~~proof of age and a boater safety certification card issued by the Wildlife~~
11 ~~Resources Commission or proof of other satisfactory completion of a~~
12 ~~boating safety education course approved by the National Association of~~
13 ~~State Boating Law Administrators (NASBLA); and (ii) produces that~~
14 ~~identification and certification card upon the request of an officer of the~~
15 ~~Wildlife Resources Commission or local law enforcement agency.~~

16 (c) No livery shall lease, hire, or rent a personal watercraft to or for operation by a
17 person under 16 years of age, except as provided in subsection (b) of this section.

18 (c1) Each livery that rents personal watercraft to the public shall carry liability
19 insurance in the amount of at least one million dollars (\$1,000,000).

20 (d) No person shall operate a personal watercraft on the waters of this State, nor
21 shall the owner of a personal watercraft knowingly allow another person to operate that
22 personal watercraft on the waters of this State, unless:

- 23 (1) Each person riding on or being towed behind such vessel is wearing a
24 type I, type II, type III, or type V personal flotation device approved by
25 the United States Coast Guard; Guard. Inflatable personal flotation
26 devices do not satisfy this requirement; and
27 (2) In the case of a personal watercraft equipped by the manufacturer with a
28 lanyard-type engine cut-off switch, the lanyard is securely attached to
29 the person, clothing, or flotation device of the operator at all times while
30 the personal watercraft is being operated in such a manner to turn off the
31 engine if the operator dismounts while the watercraft is in operation.

32 (d1) No person shall operate a personal watercraft towing another person on water
33 skis or other devices unless:

- 34 (1) The personal watercraft has on board, in addition to the operator, an
35 observer who shall monitor the progress of the person or persons being
36 towed; and
37 (2) The total number of persons operating, observing, and being towed does
38 not exceed the number of passengers identified by the manufacturer as
39 the maximum safe load for the vessel.

40 (e) A personal watercraft must at all times be operated in a reasonable and prudent
41 manner. Maneuvers that endanger life, limb, or ~~property, including: property shall~~
42 constitute reckless operation of a vessel as provided in G.S. 75A-10, and include:

- 1 (1) Unreasonably or unnecessarily weaving through congested vessel
2 traffic;
- 3 (2) Jumping the wake of another vessel ~~unreasonably or unnecessarily close of~~
4 within 100 feet of such other vessel or when visibility around such other
5 vessel is obstructed; ~~and~~
- 6 (3) Intentionally approaching another vessel in order to swerve at the last
7 possible moment to avoid ~~collision~~ collision;
- 8 (4) Operating at greater than no-wake speed within 100 feet of an anchored
9 or moored vessel, the shoreline, a dock, pier, swim float, marked
10 swimming area, swimmers, surfers, persons engaged in angling, or any
11 manually operated propelled vessel; and
- 12 (5) Operating contrary to the "rules of the road" or following too closely to
13 another vessel, including another personal watercraft. For purposes of
14 this subdivision, "following too closely" means proceeding in the same
15 direction and operating at a speed in excess of 10 miles per hour when
16 approaching within 100 feet to the rear or 50 feet to the side of another
17 vessel that is underway unless that vessel is operating in a narrow
18 channel, in which case a personal watercraft may operate at the speed
19 and flow of other vessel traffic.

20 ~~shall constitute reckless operation of a vessel as provided in G.S. 75A-10.~~

21 (f) The provisions of this section do not apply to a performer engaged in a
22 professional exhibition, a person or persons engaged in an activity authorized under G.S.
23 75A-14, or a person attempting to rescue another person who is in danger of losing life or
24 limb.

25 ~~(g) This section applies only to that portion of the waters of the upper Catawba~~
26 ~~River found within Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, McDowell,~~
27 ~~and Mecklenburg Counties, beginning where the US Highway 221 bridge crosses the~~
28 ~~Catawba River in McDowell County and extending downstream to the Cowans Ford~~
29 ~~Dam. The provisions of G.S. 75A-13.2 shall not apply to the region covered by this~~
30 ~~section."~~

31 Section 2. G.S. 75A-18 is amended by adding new subsections to read:

32 "(c1) Any person under 16 years of age who violates the provisions of G.S. 75A-
33 13.3(b) is responsible for an infraction as provided in G.S. 14-3.1.

34 (c2) Any boat livery that fails to carry liability insurance in violation of G.S. 75A-
35 13.3(c1) shall be guilty of a Class 2 misdemeanor and shall only be subject to a fine not
36 to exceed one thousand dollars (\$1,000)."

37 Section 3. G.S. 75A-13.2 is repealed.

38 Section 4. This act is effective when it becomes law.