

A new boating education law for those under 26 requires compliance beginning May 1.

Written by Geoff Cantrell • Photographed by Melissa McGaw



MANDATE for Safety



There's something new on the water for this upcoming boating season, a law mandating an important and singular piece of safety equipment called instruction. Beginning May 1, boaters in North Carolina must meet the requirements of General Statute 75A-16.2, better known as the Boating Safety Education Law.

“Basically, anyone younger than 26 years old operating a vessel powered by a 10 horsepower or greater motor on a public waterway needs to have first successfully completed an approved boating safety education course or otherwise meet requirements before they take the helm,” said Capt. Chris Huebner, the state boating safety coordinator with the N.C. Wildlife Resources Commission.

“All boaters must be able to exhibit that they are in compliance with the law upon the request of a law enforcement officer,” he said. **“That can be as easy as showing a driver license proving you are 26 years old or older, or holding a valid ID and a certification card.”**

The law will be administered by the Wildlife Commission, a longtime provider of free, nationally approved boating safety education courses and the regulatory agency given law enforcement jurisdiction on all public waterways in North Carolina.

The U.S. Coast Guard Auxiliary, U.S. Power Squadron and other organizations, including Internet providers, also offer approved courses that can include a fee. To be accepted, whether classroom instruction or online, the course must be approved by the National Association of State Boating Law Administrators, the oversight authority that works to develop public policy for recreational boating safety.

“Approved courses cover the rules of the road and operating basics, personal flotation devices, fire extinguishers and other safety equipment. You learn about navigational aids such as waterway markers and buoys, inland lighting rules, and how to handle emergencies,” Capt. Huebner said. “Wildlife Commission instruction also covers state boating laws, registration and titling.”

The need for safety instruction

The new law began with the recreational boating community becoming concerned about the safety of everyone on the water. Too many accidents and too many fatalities—North Carolina historically ranks in the

top 10 in the nation for boating deaths—were being reported every year. Many were accidents that could have been prevented. So rank and file water sports enthusiasts across the state initiated grassroots efforts to put some operating standards in place to decrease accidents.

There are more than 300,000 registered boats in North Carolina. There are more than 5,000 square miles of inland streams, rivers, lakes and coastal waterways for them to navigate. The Wildlife Commission maintains 205 public boating access areas across the state. And in 2008, there were 157 reported boating accidents involving 216 vessels on those waterways, of which 18 included fatalities.

Safety advocates agreed with boaters that the best way to stop accidents was to start with setting some standards for basic boating education. Unlike driving a car or motorcycle, which require training and a license, operating a vessel in this state previously had no such requirements. Only 14- and 15-year-olds at the controls of a personal watercraft were required to have completed boating safety education as one of two conditions that allows them legal operation.

“I think too many boaters had seen too much,” said Pete Deschenes, a resident of Lake Gaston, a scenic 20,000-acre impoundment shared by North Carolina and Virginia,

lined with homes, marinas and docks that cater to a recreational boating lifestyle popular with anglers, vacationers and residents.

Deschenes is more than just an ardent proponent of the new law. He has been described as the spark behind the fire lighted under lawmakers to get legislation passed, though he quickly points out the efforts and involvement by a great many people and organizations.

He does state—for the record—that in 2004, two area groups, the Lake Gaston Water Safety Council and the Lake Gaston Association, set a common goal of bringing about mandatory boating education in Virginia and North Carolina.

Deschenes is an active member of both groups and quickly became immersed in those efforts. Their concerted efforts included a campaign calling upon other organizations, agencies and the marine industry to join together, getting a lobbyist and a determination not to stop until a law was in place.

“Phone calls, e-mails, letters and meetings were all daily activity in an attempt to coalesce support,” Deschenes said of the simultaneous efforts in two states. “It was a cumulative effort and the timing was good.”

Their first success came in 2007, when the Virginia General Assembly enacted a law to establish a boating safety education compliance requirement. Being phased in over the next several years, by 2016 all operators of vessels with a 10 horsepower or greater motor will be required to have a boating safety education course completion card on board in Virginia.

Then, the boating safety advocates' focus turned entirely to North Carolina.

“Early on, the idea got a cool reception or neutral stances,” Deschenes said. “Everyone was for boating safety. Mandatory boating safety education was another thing. We realized we needed to gather more support to gain strength.”

The North Carolina Safe Boating Alliance was created. Joined together were local marine commissions, water safety councils and state chapters of the U.S. Power Squadron.

One of those supporting groups was the Lake Norman Marine Commission, chartered for taking appropriate responsibility for public recreation and water safety, and as a part of those duties the organization encourages and promotes boating safety education.

The statutory requirements “are aimed at young people who are just starting out in recreational boating,” said Sam Ausband, who was chairman of the Lake Norman Marine Commission during the time the law was drafted and passed. “Boating education gives them a good foundation to enjoy safe boating for a lifetime. We felt it was a good thing.”

The Joint Select Committee on Mandatory Boating Safety Education was created by the General Assembly in 2008, co-chaired by state Sen. Edward Jones (Bertie, Chowan, Gates, Halifax, Hertford, Northampton, Perquimans counties) and state Rep. Michael H. Wray (Northampton, Vance, Warren counties). The committee was to determine the feasibility of implementing requirements, what the requirements should cover, fiscal impacts, appropriate exemptions and appropriate penalties, and make recommendations on possible legislation.

“My involvement in boater safety was to make sure that every person that operates a watercraft could do it safely,” said Sen. Jones. “We must provide an educational process to make sure that everyone who operates a vessel upon the waters of North Carolina

which is powered by a motor can operate the vessel safely. The only way we can assure that boaters can operate safely is through testing and to provide documentation such as a certificate of completion by a certified organization such as the N.C. Wildlife Resources Commission, U.S. Power Squadron and the U.S. Coast Guard and others who are concerned about boater safety on our lakes and waterways. This legislation is about reducing watercraft injuries and saving lives.”

The joint select committee heard information and opinions on boating safety and the issue of boating safety education in a series of meetings.

“The experience of other states has shown that mandatory boater education requirements can make a difference,” William H. Gossard, recreational boating safety coordinator with the National Transportation Safety Board, told the committee during a meeting in Raleigh. “The [National Transportation] Safety Board is pleased to support this initiative in North Carolina.”

Upon the recommendation of the Joint Select Committee on Mandatory Boating Safety Education, a bill was introduced in

the General Assembly and passed on June 30, 2009. Gov. Bev Perdue signed it into law on July 10, 2009.

“Because of the consistently high numbers of boating accidents and fatalities in North Carolina, it was imperative for the General Assembly to step in and enact this new law,” said Rep. Wray. “Protecting people from avoidable accidents on the water is critical, and I would like to thank those people who have helped win approval of this law, particularly those early supporters who worked tirelessly for its passage. I would also like to express appreciation for the Wildlife Resources Commission and its continuing work to improve boating safety.”

How the law works

As with any new regulation going into effect, Capt. Huebner said, there have been plenty of questions from the public.

“The most common question boils down to, ‘Does this apply to me?’ followed by when and where the next available course will be held.

- The basic elements are:
- Are you younger than 26?

- Are you at the helm of a vessel with 10 horsepower or greater motor on a public waterway?

“If you answer yes to both questions, then you need to have successfully completed a course or otherwise meet the requirements,” Capt. Huebner said. “Finding the nearest Wildlife Commission course is as easy as going online to www.nc.wildlife.org and clicking on the ‘boating/waterways’ icon or the ‘education/workshops’ icon.”

Other frequently asked questions include how the law affects nonresidents, commercial fishermen and someone who recently purchased that first boat. “For out-of-state boaters who are visiting for 90 days or less, you must meet any applicable boating safety education requirements of your home state or nation to be in compliance while you are in North Carolina,” Capt. Huebner said. “Your vessel must meet all North Carolina safety equipment requirements.”

For new boat owners, the captain said, “anyone who purchases a vessel and isn’t already in compliance will receive a non-renewable temporary operator’s certificate for operating that vessel. “It will allow operation

for 90 days from date of purchase and gives you adequate time to come into compliance.”

If you are considering a boat purchase, display of Wildlife Commission-issued dealer registration numbers will provide an exemption during the “test drive” or demonstration of a vessel.

Registered commercial fishermen or anyone operating a commercial fisherman’s boat while under direct, onboard supervision of a commercial fisherman will be considered in compliance. Anyone possessing a valid or expired license to operate a vessel issued to maritime personnel by the U.S. Coast Guard will be in compliance, as will anyone under direct onboard supervision of a person at least 18 who meets the requirements of the law.

The boating safety education law applies to personal watercraft, also known as jet skis, which already have age restrictions for operation. No one younger than 14 can operate a personal watercraft on public waters in North Carolina, while no one younger than 16 can operate a personal watercraft in North Carolina, with these exceptions:

- A person at least 14, but younger than 16 can operate a personal watercraft if

riding with someone at least 18 and that person is in compliance with the boating safety education law.

- The 14- to 16-year-old has successfully completed an approved boating safety education course and has proof of age and course completion with them.

A personal watercraft is considered a boat and anyone under 26 must meet the requirements of the boating safety education law.

Availability of Wildlife Commission courses, offered throughout the year, can be found online at www.ncwildlife.org/Apps/BoatingSafety/CourseSearch.asp and clicking on county of residence or neighboring counties. The Wildlife Commission will also conduct proctored equivalency exams at no charge on a regular schedule across the state.

“The law goes into effect on May 1, 2010, and approved courses are being held now,” Capt. Huebner said. “This law is designed to improve safety on the water, a ‘know before you go’ type of requirement that can actually enhance your boating enjoyment.”

Geoff Cantrell is a public information officer with the N.C. Wildlife Resources Commission.



LEARN MORE

For more information on required boating safety education or how to enroll in a free course, visit www.ncwildlife.org or call (919) 707-0030. To read General Statute 75A-16.2 in its entirety, visit www.ncleg.net/Sessions/2009/Bills/Senate/PDF/S43v4.pdf.

Classroom instruction will be provided by a number of groups, including the Wildlife Commission. Operators under 26 must show a picture ID and present proof to Enforcement Officers that they have passed the course. Homeowners at Lake Gaston (far left, bottom) were instrumental in pushing the legislation. Owners of personal watercraft rental outfits such as Chris Mangum of Wrightsville Beach Jet Ski Rentals (immediate left, bottom) must provide basic instruction for renters.