Bill as Introduced

1999 SESSION

99-0153
03/09

HOUSE BILL ***449-FN***

AN ACT requiring boating safety education.

SPONSORS: Rep. Whalley, Merr 5; Rep. E. Smith, Ches 6; Rep. Mercer, Hills 27; Rep. Letourneau, Rock 13; Sen. Fraser, Dist 4; Sen. Wheeler, Dist 21; Sen. Johnson, Dist 3; Sen. Hollingworth, Dist 23

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires that persons born after a specified date possess a certificate of boating safety education.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

99-0153
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord One Thousand Nine Hundred and Ninety-Nine

AN ACT requiring boating safety education.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Boating Safety Education. Amend RSA 270-D by inserting after section 9 the following new subdivision:

Boating Safety Education

270-D:10 Certificate Required. No person born on or after the dates provided in this section shall operate a motorized or registered vessel on the public waters of this state without first obtaining a certificate of boating safety education in accordance with this subdivision:

Date of Birth	Certificate Required
January 1, 1984	January 1, 2000
January 1, 1983	January 1, 2001
January 1, 1982	January 1, 2002
January 1, 1981	January 1, 2003
January 1, 1980	January 1, 2004
January 1, 1979	January 1, 2005
January 1, 1978	January 1, 2006
January 1, 1977	January 1, 2007
January 1, 1976	January 1, 2008
January 1, 1975	January 1, 2009
All	January 1, 2010.

270-D:11 Possession Required; Penalty.

I. Any person required to have a certificate of boating safety education shall:

(a) Possess the certificate when operating a motorized or registered vessel on the public waters of the state.

(b) Present the certificate upon the demand of a marine patrol officer.

II. No person charged with a violation of this section shall be convicted if, within a period of 48 hours, the person presents to the officer evidence that he or she held a valid certificate of boating safety education which was in effect at the time of the violation.

III. Enforcement of this section shall be accomplished only as a secondary action when an operator of a motorized or registered vessel has been cited or charged with a violation or some other offense.

IV. Any person who violates this section shall be guilty of a violation punishable by a fine $50 for a first offense and $250 for any subsequent offense.

270-D:12 Exemption. A person who is licensed by the state of New Hampshire or the United States Coast Guard to operate a commercial vessel shall be exempt from the requirements of this subdivision.

270-D:13 Issuance of Certificate.

I. The director shall issue a certificate of boating safety education to a person who:

(a) Passes a boating safety education course approved by the department of safety and by the National Association of State Boating Law Administrators. The course shall provide a minimum of 8 hours of instruction. The minimum passing grade for the course shall be 70 percent; or

(b) Passes a boating safety equivalency examination administered by persons approved to offer boating safety education courses. The minimum passing grade for the examination shall be 80 percent. A certificate issued to a person passing the equivalency examination shall specify that the certificate is issued as evidence of satisfactory completion of a safe boating examination and entitles the holder only to operate a vessel on the public waters of New Hampshire.

II. Once issued, the certificate of boating safety education shall be valid for the lifetime of the person and may not be revoked by the department of safety or a court without cause.

III. The director shall replace, without charge, a lost or destroyed certificate.

IV. The director shall issue a temporary certificate of boating safety education to a person who passes a temporary boating safety examination, consisting of 20 questions, administered by a person approved to offer boating safety education courses. The minimum passing grade for the examination shall be 80 percent. The temporary certificate of boating safety education shall be valid for up to 14 days and shall entitle the holder only to operate a vessel on the public waters of New Hampshire.

270-D:14 Education Materials. Upon request, the director shall provide, without charge, boating safety education materials to persons who plan to take the boating safety equivalency examination.

270-D:15 Certificate Not Required. A person shall not be required to obtain a certificate of boating safety education if the person holds a certificate from another state indicating successful completion of boating safety education that meets or exceeds the requirements of this subdivision, a certificate from the United States Coast Guard Auxiliary, or a certificate from the United States Power Squadron.

270-D:16 Course Fee. Any department of the state offering a boating safety education course may charge a fee for attendance at the course. The fee shall not exceed the costs incurred by the department in offering the course divided by the number of students attending the course and shall not exceed $50.

270-D:17 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Approval of boating safety education courses.

II. Criteria for boating safety equivalency examinations.

2 Effective Date. This act shall take effect 60 days after its passage.

LBAO
99-0153
1/6/99

HB 449-FN - FISCAL NOTE

AN ACT requiring boating safety education.

FISCAL IMPACT:

The Department of Safety indicates state general fund expenditures may increase by an indeterminable amount in FY 1999 and each year thereafter. There is no fiscal impact on county and local expenditures or state, county and local revenue.

METHODOLOGY:

The Department states that it currently offers, at no charge, a boat safety course twice each year. Additional cost to the Department may result from the printing of additional boat safety education materials and certificates as a result of increased demand. Although indeterminable, the Department estimates this cost could exceed $10,000 annually. The Department stated it intends to continue offering the boat safety course at no charge.

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1999 SESSION

99-0153
03/09

HOUSE BILL ***449-FN***

AN ACT requiring boating safety education.

SPONSORS: Rep. Whalley, Merr 5; Rep. E. Smith, Ches 6; Rep. Mercer, Hills 27; Rep. Letourneau, Rock 13; Sen. Fraser, Dist 4; Sen. Wheeler, Dist 21; Sen. Johnson, Dist 3; Sen. Hollingworth, Dist 23

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill requires that persons born after a specified date possess a certificate of boating safety education.

. . . . . .

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

99-0153
03/09

STATE OF NEW HAMPSHIRE

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Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Boating Safety Education. Amend RSA 270-D by inserting after section 9 the following new subdivision:

Boating Safety Education

270-D:10 Certificate Required. No person born on or after the dates provided in this section shall operate a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of this state without first obtaining a certificate of boating safety education in accordance with this subdivision:

Date of Birth	Certificate Required
January 1, 1984	January 1, 2000
January 1, 1983	January 1, 2001
January 1, 1982	January 1, 2002
January 1, 1981	January 1, 2003
January 1, 1980	January 1, 2004
January 1, 1979	January 1, 2005
January 1, 1978	January 1, 2006
January 1, 1977	January 1, 2007
January 1, 1976	January 1, 2008
January 1, 1975	January 1, 2009
All	January 1, 2010

270-D:11 Possession Required; Penalty.

I. Any person required to have a certificate of boating safety education shall:

(a) Possess the certificate when operating a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of the state.

(b) Present the certificate upon the demand of a marine patrol officer.

II. No person charged with a violation of this section shall be convicted if, within a period of 48 hours, the person presents to the officer evidence that he or she held a valid certificate of boating safety education which was in effect at the time of the violation.

III. Enforcement of this section shall be accomplished only as a secondary action when an

operator of a motorized or registered vessel has been cited or charged with a violation or some other offense.

IV. Any person who violates this section shall be guilty of a violation punishable by a fine $50 for a first offense and $250 for any subsequent offense.

270-D:12 Exemption. A person who is licensed by the state of New Hampshire or the United States Coast Guard to operate a commercial vessel shall be exempt from the requirements of this subdivision.

270-D:13 Issuance of Certificate.

I. The director shall issue a certificate of boating safety education to a person who:

(a) Passes a boating safety education course approved by the department of safety and by the National Association of State Boating Law Administrators. The course shall provide a minimum of 8 hours of instruction. The minimum passing grade for the course shall be 70 percent; or

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II. Once issued, the certificate of boating safety education shall be valid for the lifetime of the person and may not be revoked by the department of safety or a court without cause.

III. The director shall replace, without charge, a lost or destroyed certificate.

IV. The director shall issue a temporary certificate of boating safety education to a person who passes a temporary boating safety examination, consisting of 20 questions, administered by a person approved to offer boating safety education courses. The minimum passing grade for the examination shall be 80 percent. The temporary certificate of boating safety education shall be valid for up to 14 days and shall entitle the holder only to operate a vessel on the public waters of New Hampshire.

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270-D:16 Course Fee. Any department of the state offering a boating safety education course may charge a fee for attendance at the course. The fee shall not exceed the costs incurred by the department in offering the course divided by the number of students attending the course and shall

not exceed $50.

270-D:17 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

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LBAO
99-0153
1/6/99

HB 449-FN - FISCAL NOTE

AN ACT requiring boating safety education.

FISCAL IMPACT:

The Department of Safety indicates state general fund expenditures may increase by an indeterminable amount in FY 1999 and each year thereafter. There is no fiscal impact on county and local expenditures or state, county and local revenue.

METHODOLOGY:

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Amendments

Resources, Recreation and Development
March 26, 1999
1999-0579h
03/01

Amendment to HB 449-FN

Amend RSA 270-D:10 as inserted by section 1 of the bill by replacing it with the following:

270-D:10 Certificate Required. No person born on or after the dates provided in this section shall operate a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of this state without first obtaining a certificate of boating safety education in accordance with this subdivision:

Date of Birth	Certificate Required
January 1, 1984	January 1, 2000
January 1, 1983	January 1, 2001
January 1, 1982	January 1, 2002
January 1, 1981	January 1, 2003
January 1, 1980	January 1, 2004
January 1, 1979	January 1, 2005
January 1, 1978	January 1, 2006
January 1, 1977	January 1, 2007
January 1, 1976	January 1, 2008
January 1, 1975	January 1, 2009
All	January 1, 2010

Amend RSA 270-D:11, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Possess the certificate when operating a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of the state.

RLE

Resources, Recreation and Development
March 26, 1999
1999-0579h
03/01

Amendment to HB 449-FN

Amend RSA 270-D:10 as inserted by section 1 of the bill by replacing it with the following:

270-D:10 Certificate Required. No person born on or after the dates provided in this section shall operate a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of this state without first obtaining a certificate of boating safety education in accordance with this subdivision:

Date of Birth	Certificate Required
January 1, 1984	January 1, 2000
January 1, 1983	January 1, 2001
January 1, 1982	January 1, 2002
January 1, 1981	January 1, 2003
January 1, 1980	January 1, 2004
January 1, 1979	January 1, 2005
January 1, 1978	January 1, 2006
January 1, 1977	January 1, 2007
January 1, 1976	January 1, 2008
January 1, 1975	January 1, 2009
All	January 1, 2010

Amend RSA 270-D:11, I(a) as inserted by section 1 of the bill by replacing it with the following:

(a) Possess the certificate when operating a motorized vessel with any type of power motor in excess of 15 horsepower on the public waters of the state.

Rep. Mercer, Hills. 27
May 11, 1999
1999-1193h
03/09

Amendment to HB 449-FN

Amend RSA 270-D:13, IV as inserted by section 1 of the bill by replacing it with the following:

IV. The director shall issue a temporary certificate of boating safety education to a person who passes a temporary boating safety examination, consisting of 20 questions, administered by a person approved to offer the temporary boating safety examination. The minimum passing grade for the examination shall be 80 percent. The temporary certificate of boating safety education shall be valid for up to 14 days and shall entitle the holder only to operate a vessel on the public waters of New Hampshire. Any dealer or renter of boats or employee thereof, who has passed the boating safety education course as provided in RSA 270-D:13, I(a), shall be approved by the director to administer the temporary boating safety examination and to issue a temporary certificate.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 449-FN Date February 9, 1999

Committee Resources, Recreation + Development

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Marie Gabrielson		Plaistow	Rock 16	✓	
~~Jack Flanders~~		226-2500	~~Fish & Game Director~~	~~✓~~	
Sen Katie Wheeler			D. 21	✓	
Edwin O Smith			Ches - 6	✓	
Kathleen Paine			NHLA	—	
Rep. ROBERT MERCER			Nits #27	✓	
Rep Beverly Hollingworth				✓	
Rep V P Manning			Ches 9	✓	
Carl Johnson	Senate District 3			✓	
John Hallam	39 Pine Tree Circle Dpfld			✓	

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 290 449-FN

BILL TITLE: ~~relative to exempting the town of Litchfield from the shoreland protection act.~~ requiring boating safety education

DATE: January 27, 1999

LOB ROOM: 305 **Time Public Hearing Called to Order:** 10:00 A.M.

Time Adjourned: 11:14 A.M.

(please circle if present)

Committee Members: Reps. Royce, D. Lawton, Whalley, Crowell, R. Lawton, St. Hilaire, Cooney, Kibbey, Lavoie, Mirski, O'Connell, Corbin, Roberts, Blanchard, Downing, Williams, Lefebvre, Robb-Theroux, Fortnam, Glines and Spang.

Bill Sponsors: Rep. Whalley

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

REP. MICHAEL WHALLEY – PRIME SPONSOR – Supports. Written testimony attached (written test). Described the bill and noted that all boaters would be captured over the 10 year window of the bill. He noted that the NASBLA course is a standard course and would involve reciprocity in other states. We would be the 21st state to adopt the course, and the 4th NE state. These include MA, CT,VT, NY, NJ. We would be the 6th Northeast state. These state comprise most of our non-resident visitors..
If one does not want to take course, there is a written examination opportunity. Rentals would be covered by a 14 day temporary certificate. There is no fee now, but this bill allows up to a $50 fee for the course.

Royce: Describe a registered vessel. ANS: He would stick to motorized vessels. Now sailboats and row boats of certain sizes must be registered. Committee may consider these requirements.

Robb-Theroux: Who is doing the violating, men or women? ANS: All ages violate the law. Need all to take course or equivalent. Drinking violators? Men are probably the most violators. What is the stoppage procedure? These violations are enforced after stoppage for a violation.

R. Lawton: Are sunfish boats licensed? ANS: This bill requires it, but sub-committee may change it. What is your stance? ANS: Undecided.

Williams: Are renters required customers to have certificate? ANS: No, but should provide information to get certificate. They do not generally rent now to <18 year olds. They can offer 14 day certificates.

Glines: <16 yr. cannot operate, what do they do? ANS: This will be an opportunity for <16 yr. olds to operate.

Spang: Any study of certification effectiveness? ANS: No, but following speaker may address this question. If renter did not pass test, then what? ANS: Rental agent would be like a tutor, seeing that renters know the rules. Are additional costs a burden to Dept.? ANS: Would encourage Dept. to charge fees.

Roberts: Is this similar to OHRV course? ANS: Similar, but not the same.

Kibbey: Would there be a fee for any type of certificate? ANS: Whatever is reasonable.

Glines: Where would the $ go? ANS: To the Dept.

Royce: Has consideration been given to small Vs large ponds? ANS: Likes idea of not requiring for all, but does not know how to do it. Course passes with 70%, examination with 80%? Higher standard for those not taking course.

Spang: Would the course include safety instruction for sailboats? ANS: Have not taken course, but expect so.

Lefebvre: Could the boating industry do the course like snowmobile did? ANS: Snowmobiles did it to save program.

JODI GRIMBILAS: NH Personal Watercraft Assoc. – Supports

Written testimony attached.

Cooney: Should Sunfishes be covered? ANS: Yes. Should small ponds be covered? ANS: Yes.

Royce: Are registrations required for >14' boats? ANS: Does not know.

Blanchard: Should personal watercraft be covered? ANS: Yes

KATHERINE PAINE – NHLA – Supports. She pointed out that there is a correlation between safety courses and accidents.

JULIAN ZELAZNY – Audubon Society of NH – Supports. The bill is a wonderful idea. Education is not a burden, but an opportunity. Should include Sunfish operator. Should also include wildlife education. Wildlife can be influenced by boater encroachment.

Royce: Does Audubon promote education and has it been a success? ANS: Signs have been put out, but success is not known.

Blanchard: Do other boating courses have wildlife component? ANS: Do not know of any.

Lefebvre: Should going to see loons cause a penalty? ANS: No, but they should know result of their actions.

JOHN STEPHEN – Dept. of Safety – Recommends study. This bill is a great idea. Described this issue in previous RRD committees. Certification takes time, many issues, perhaps study would be appropriate. Describes some other state programs. The Dept. likes education and will do the best they can, but pointed out how busy the operation has been.

R. Lawton: Is the problem solely money? ANS: Yes. Dept. is underfunded. 8 hr course may be too long. A 4 hr course may be adequate.

Blanchard: Would a 4 hr course jeopardize reciprocity? ANS: Does not know.

DAVID MOUSETTE – Spofford, NH. Written testimony attached. He was involved with setting up a course given in Gilford. If > 20 students, Dept. sends instructor. Course is difficult to get away from the sea coast.

CLOSED AT 11:18 AM

Respectfully submitted,

Richard Cooney, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 449-FN

BILL TITLE: requiring boating safety education.

DATE: February 9, 199

LOB ROOM: 305 **Time Public Hearing Called to Order:** 10:05 A.M.

Time Adjourned: 11:14 A.M.

(please circle if present)

Committee Members: Reps. Royce, D. Lawton, Whalley, Crowell, R. Lawton, St. Hilaire, Cooney, Kibbey, Lavoie, Mirski, O'Connell, Corbin, Roberts, Blanchard, Downing, Williams, Lefebvre, Robb-Theroux, Fortnam, Glines and Spang.

Bill Sponsors: Rep. Whalley, Merr 5; Rep. E. Smith, Ches 6; Rep. Mercer, Hills 27; Rep. Letourneau, Rock 13; Sen. Fraser, Dist 4; Sen. Wheeler, Dist 21; Sen. Johnson, Dist 3; Sen. Hollingworth, Dist 23

TESTIMONY

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Chairman Royce: Describe a registered vessel? ANS: He would stick to motorized vessels. Now sailboats and row boats of certain sizes must be registered. Committee may consider these requirements.

Rep. Robb-Theroux: Who is doing the violating, men or women? ANS: All ages violate the law. Need all to take course or equivalent. Drinking violators? ANS: Men are probably the most violators. What is the stoppage procedure? ANS: These violations are enforced after stoppage for a violation.

Rep. R. Lawton: Are sunfish boats licensed? ANS: This bill requires it, but sub-committee may change it. What is your stance? ANS: Undecided.

Rep. Williams: Are renters required customers to have certificate? ANS: No, but should provide information to get certificate. They do not generally rent now to less than 18 year olds. They can offer 14 day certificates.

Rep. Glines: Less than 16 year old cannot operate, what do they do? ANS: This will be an opportunity for less than 16 year olds to operate.

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Chairman Royce: Has consideration been given to small Vs large ponds? ANS: Likes idea of not requiring for all, but does not know how to do it. Course passes with 70%, examination with 80%? ANS: Higher standard for those not taking course.

Rep. Spang: Would the course include safety instruction for sailboats? ANS: Have not taken course, but expect so.

Rep. Lefebvre: Could the boating industry do the course like snowmobile did? ANS: Snowmobiles did it to save program.

* JODI GRIMBILAS: **NH Personal Watercraft Assoc.** – Supports the bill. Written testimony attached.

Rep. Cooney: Should Sunfishes be covered? ANS: Yes. Should small ponds be covered? ANS: Yes.

Chairman Royce: Are registrations required for greater than 14' boats? ANS: Does not know.

Rep. Blanchard: Should personal watercraft be covered? ANS: Yes

KATHERINE PAINE, **NHLA** – Supports. She pointed out that there is a correlation between safety courses and accidents.

JULIAN ZELAZNY, **Audubon Society of NH** – Supports. The bill is a wonderful idea. Education is not a burden, but an opportunity. Should include Sunfish operator. Should also include wildlife education. Wildlife can be influenced by boater encroachment.

Chairman Royce: Does Audubon promote education and has it been a success? ANS: Signs have been put out, but success is not known.

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Rep. Lefebvre: Should going to see loons cause a penalty? ANS: No, but they should know result of their actions.

JOHN STEPHEN, Dept. of Safety – Recommends study. This bill is a great idea. Described this issue in previous RRD committees. Certification takes time, many issues, perhaps study would be appropriate. Describes some other state programs. The Department likes education and will do the best they can, but pointed out how busy the operation has been.

Rep. R. Lawton: Is the problem solely money? ANS: Yes. Department is underfunded. 8 hour course may be too long. A 4 hour course may be adequate.

Rep. Blanchard: Would a 4 hour course jeopardize reciprocity? ANS: Does not know.

* **DAVID MOUSETTE, Spofford, NH.** Written testimony attached. He was involved with setting up a course given in Gilford. If greater than 20 students, Department sends instructor. Course is difficult to get away from the sea coast.

Respectfully submitted,

Richard T. Cooney
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 449-FN

BILL TITLE: requiring boating safety education.

DATE: 2/9/91

LOB ROOM: 305 **Time Public Hearing Called to Order:** 10:05

Time Adjourned: 11:14

(please circle if present)

Committee Members: Reps. Royce, D. Lawton, Whalley, Crowell, R. Lawton, St. Hilaire, Cooney, Kibbey, Lavoie, Mirski, O'Connell, Corbin, Roberts, Blanchard, Downing, Williams, Lefebvre, Robb-Theroux, Fortnam, Glines and Spang.

Bill Sponsors: Rep. Whalley, Merr 5; Rep. E. Smith, Ches 6; Rep. Mercer, Hills 27; Rep. Letourneau, Rock 13; Sen. Fraser, Dist 4; Sen. Wheeler, Dist 21; Sen. Johnson, Dist 3; Sen. Hollingworth, Dist 23

TESTIMONY

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Sub-Committee Actions

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 449-FN

BILL TITLE: requiring boating safety education.

DATE: March 23, 1999

Subcommittee Members: Reps. D. Lawton, R. Lawton, Fortnam, Whalley, and O'Connell

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, (OTP/A), ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Fortnam

Seconded by Rep. Lawton

Vote: 5-0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Michael D. Whalley
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 449-FN

BILL TITLE: requiring boating safety education.

DATE: 3/23/99

Subcommittee Members: Reps. LAWTON LAWTON FONTNAM
WHALEY OCONNELL

Comments and Recommendations:

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, (OTP/A,) ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. FONTNAM

Seconded by Rep. LAWTON

Vote: 5-0

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Testimony

File Copy

TESTIMONY OF JODI E. GRIMBILAS
REPRESENTING
THE NEW HAMPSHIRE PERSONAL WATERCRAFT ASSOCIATION
&
THE NEW HAMPSHIRE MARINE TRADES ASSOCIATION

HB 449, requiring boating safety education
House Resources, Recreation & Development Committee
February 9, 1999

Good Morning Mr. Chairman and members of the committee:

For the record, my name is Jodi Grimbilas of Bianco Professional Association, and I am here representing two clients: the New Hampshire Personal Watercraft Association and the New Hampshire Marine Trades Association.

First, on behalf of the New Hampshire Marine Trades Association, I would like to express to the Committee the NH Marine Trades Association's general support of mandatory boater education. For the committee's information, the NH Marine Trades Association, is a non profit association of marinas and boat dealerships across the state . One of the purposes of the Association is to promote safe and responsible use of New Hampshire lakes by boaters. Although the Association supports the concept, it has not had the opportunity to talk with its members about the specifics of this legislation. The Association members are planning to meet in the near future and would like the opportunity to offer further comments and perhaps work with the subcommittee on HB 449.

Second, on behalf of the New Hampshire Personal Watercraft Association, I would like to record the NHPWA's support of mandatory education for all boaters. The NHPWA is a non profit association consisting of over 1,300 personal watercraft owner and dealer members whose goal is to promote the safe and responsible use of personal watercraft in New Hampshire.

New Hampshire is seeing a record number of boats being registered each year. Last year over 90,000 boats were registered in New Hampshire and that number does not include the boats trailored to New Hampshire by boaters from other states. With the number of boat registrations rising, New Hampshire can expect the number of complaints, warnings, summonses and accidents to also increase.

NHPWA strongly supports a mandatory education program as one way of responding to the problems on the lakes caused by the increasing number of boats on the water.

We have also supported in the past and continue to support more funding for the division of safety services for law enforcement.

NHPWA believes an educated boater is a safe boater. Whether you are operating an unpowered sailboat, a personal watercraft, a canoe, or a large cabin cruiser, there are common rules that must be followed. An increasing number of boaters do not know New Hampshire's boating laws. For example: according to statistics released by the Department of Safety, there are many violations of state's speed and safe passage laws. There are also many boaters that do not know the proper safety equipment that must be carried in the boat during operation.

A mandatory education requirement would make New Hampshire waterways safer and more enjoyable because it would produce a better educated boating public. Over twenty states have enacted mandatory education laws, including Connecticut, Massachusetts and Vermont. It is our understanding that those states that have a mandatory education program have seen a decrease in the number of boating accidents, boating fatalities and complaints.

The bill, as drafted, establishes the mandatory education requirement over a ten year period. At the end of the ten year time period, all boaters on New Hampshire's waterways will be educated. The bill won't hurt the tourist population that New Hampshire relies upon because it addresses reciprocity with other states. It also allows for a temporary certificate for those boaters who are in the state for a shorter period of time. Lastly, it is our understanding that the boating safety course addressed in the bill is based on the same course that is offered now by the Department of Safety.

NHPWA believes this bill strikes a balance between public safety and the public's ability to use boats on our lakes and ponds. NHPWA supports HB 449 because it believes that the time is now to pass a mandatory education law in New Hampshire. We look forward to working with the subcommittee on this legislation.

Thank you.

FILE COPY
HB 445
REP. WHALLEY

EDUCATION & LICENSING

[Table 2.2]

State	Mandatory Safety Education	Mandatory Operator Licensing	Is License Dependent on Passing Exam
Alabama	No	Yes	Yes
Alaska	No	No	No
American Samoa	Yes	Yes	N/A
Arizona	No	No	Yes
Arkansas	No	No	Yes
California	No	No	n/a
Colorado	Yes	No	Yes
Connecticut	Yes	Yes	Yes
Delaware	Yes	No	Yes
District of Columbia	Yes	No	Yes
Florida	Yes	No	Yes
Georgia	No	No	No
Guam	No	No	n/a
Hawaii	No	No	No
Idaho	No	No	Yes
Illinois	Yes	No	Yes
Indiana	Yes	Yes	Yes
Iowa	No	No	No
Kansas	No	No	n/a
Kentucky	Yes	No	Yes
Louisiana	No	No	Yes
Maine	No	No	No
Maryland	Yes	No	Yes
Massachusetts	Yes	No	Yes
Michigan	Yes	No	Yes
Minnesota	Yes	No	n/a
Mississippi	Yes	No	Yes
Missouri	No	No	No
Montana	No	No	Yes
N. Mariana Islands	No	No	n/a
Nebraska	No	No	n/a
Nevada	No	No	n/a
New Hampshire	No	n/a	No
New Jersey	Yes	Yes	Yes
New Mexico	No	No	n/a
New York	Yes	No	Yes
North Carolina	No	No	n/a
North Dakota	Yes	No	Yes
Ohio	No	No	Yes
Oklahoma	No	No	No
Oregon	No	No	n/a
Pennsylvania	No	No	n/a
Puerto Rico	No	No	Yes
Rhode Island	No	No	n/a
South Carolina	Yes	No	Yes
South Dakota	No	No	n/a
Tennessee	No	No	n/a
Texas	Yes	No	Yes
Utah	No	No	n/a
Vermont	Yes	No	Yes
Virgin Islands	Yes	No	Yes
Virginia	No	No	No
Washington	No	No	No
West Virginia	No	No	Yes
Wisconsin	Yes	No	Yes
Wyoming	No	No	No

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 449-FN

BILL TITLE: **requiring boating safety education.**

DATE: March 30, 1999

LOB ROOM: 305

Amendments:

Sponsor: Rep. R, R, & D.	OLS Document #:	1999	0579h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Downing

Seconded by Rep. Roberts

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Downing

Seconded by Rep. Roberts

Vote: 18-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: No

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Richard T. Cooney, Clerk

Richard T Cooney

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 449-FN

BILL TITLE: **requiring boating safety education.**

DATE: 3/30/99

LOB ROOM: 305

Amendments:

Sponsor: Rep. RR&D — OLS Document #: 1999-0599h

Sponsor: Rep. — OLS Document #:

Sponsor: Rep. — OLS Document #:

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. DOWNING

Seconded by Rep. ROBERTS

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. DOWNING

Seconded by Rep. ROBERTS

Vote: 18-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.) REG CAL

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Richard T. Cooney, Clerk — BLUE ROBERTS

RESOURCES, RECREATION AND DEVELOPMENT 1999 SESSION

Bill # HB ~~545~~ 549-FF

Public Hearings _____ Executive Session 3/30/99

COMMITTEE REPORT: AMENDMENT

	YEAS	NAYS
Royce, H Charles, Chairman	✓	
Lawton, David M, V Chairman	✓	
Whalley, Michael D	✓	
Crowell, Peter O		
Cooney, Richard T, Clerk	✓	
Kibbey, David D	✓	
Mirski, Paul M	✓	
Lawton, Robert M	✓	
Lavoie, Gerard H	✓	
O'Connell, Timothy D	✓	
Corbin, C David		
Roberts, William E	✓	
Fields, Dennis H	✓	
Blanchard, MaryAnn N	✓	
Downing, Michael W	✓	
Williams, Carol A		
Lefebvre, Roland J	✓	
Robb-Theroux, Amy E	✓	
Fortnam, Janet W	✓	
Glines, Sara B	✓	
Spang, Judith T	✓	

TOTAL VOTE 18-0

Appeared in Favor	Appeared in Opposition

RESOURCES, RECREATION AND DEVELOPMENT 1999 SESSION

Bill # HB-449-FIN

Public Hearings _____ Executive Session 3/30/99

COMMITTEE REPORT: OTPA

	YEAS	NAYS
Royce, H Charles, Chairman	✓	
Lawton, David M, V Chairman	✓	
Whalley, Michael D	✓	
Crowell, Peter O		
Cooney, Richard T, Clerk	✓	
Kibbey, David D	✓	
Mirski, Paul M	✓	
Lawton, Robert M	✓	
Lavoie, Gerard H	✓	
O'Connell, Timothy D	✓	
Corbin, C David		
Roberts, William E	✓	
Fields, Dennis H	✓	
Blanchard, MaryAnn N	✓	
Downing, Michael W	✓	
Williams, Carol A		
Lefebvre, Roland J	✓	
Robb-Theroux, Amy E	✓	
Fortnam, Janet W	✓	
Glines, Sara B	✓	
Spang, Judith T	✓	

TOTAL VOTE 18-0

Appeared in Favor	Appeared in Opposition

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 449-FN-A

BILL TITLE: **requiring boating safety education.**

DATE: May 13, 1999

LOB ROOM: 202

Amendments:

Sponsor: Rep. Mercer	OLS Document #:	1999	1193h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Mercer

Seconded by Rep. O'Neil

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Ray F. Langer, Clerk

EXECUTIVE DEPARTMENTS AND ADMINISTRATION 1999 SESSION

HB 449 Bill #

Public Hearings _____ Executive Session 5-13-99

COMMITTEE REPORT: OTP/A

	YEAS	NAYS
Mercer, Robert S, Chairman		
Goulet, Maurice E, V Chairman	1	
Dyer, Merton S	2	
Langer, Ray F, Clerk	3	
Holley, Sylvia A	4	
Moore, Benjamin E	5	
Dickinson, Howard C	6	
Stickney, Nancy C	7	
Sapareto, Frank V		
Hamel, Albert W	8	
Millham, Alida I		
O'Neil, Michael	9	
Poulin, Dave G		
Zolla, William R	10	
Murphy, Robert E	11	
Reidy, Frank J	12	
Virtue, Carolyn A	13	
Batchelder, Robert C	14	
Burkush, James A		
Courchesne, Judy A		
Landers, Dana L	15	
Lent, Donald R	16	
TOTAL VOTE	16-0	

Appeared in Favor	Appeared in Opposition

Committee Report

COMMITTEE REPORT

COMMITTEE: **Resources, Recreation and Development**

BILL NUMBER: **HB 449-FN**

TITLE: requiring boating safety education.

DATE: March 30, 1999 CONSENT CALENDAR YES ☐ NO ☒

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

HB 449-FN as amended will require a certificate of boating education to operate any watercraft in excess of 15 hp. Initially the requirement will only apply to boaters age 16 and younger, but each year the age will increase until 2010 when all boat operators will be required to hold a certificate. The bill was supported by a broad spectrum of interests including marine dealers, lakes associations and conservation groups. The 18-0 vote shows the serious concerns that the Resources Committee has over improving boating safety via education of operators of all types of motorized vessels.

Vote 18-0.

Rep. William E. Roberts
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

Resources, Recreation and Development

HB 449-FN, requiring boating safety education. OUGHT TO PASS WITH AMENDMENT

Rep. William E. Roberts for **Resources, Recreation and Development:** HB 449-FN as amended will require a certificate of boating education to operate any watercraft in excess of 15 hp. Initially the requirement will only apply to boaters age 16 and younger, but each year the age will increase until 2010 when all boat operators will be required to hold a certificate. The bill was supported by a broad spectrum of interests including marine dealers, lakes associations and conservation groups. The 18-0 vote shows the serious concerns that the Resources Committee has over improving boating safety via education of operators of all types of motorized vessels. Vote 18-0.

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

C Royce

The bill was supported by a broad spectrum of interests including marine dealers, lakes associations and conservation groups. ~~and~~ The 18-0 vote ~~of the committee~~ shows the serious ~~concern~~ concerns that the resources committee has over improving boating safety via education of ~~all boat~~ operators of all types of motorized vessels.

State of New Hampshire

HOUSE OF REPRESENTATIVES

CONCORD

- HB 449-FN as amended will require a certificate of boating education to operate any watercraft in excess of 15 h.p.
- Initially the requirement will only apply to boaters age 16 and younger but each year ~~the~~ the age will increase until 2010 when all boat~~ers~~ operators will be required to hold a certificate.

William Robert

COMMITTEE REPORT

COMMITTEE: **Executive Departments and Administration**

BILL NUMBER: **HB 449-FN**

TITLE: requiring boating safety education.

DATE: May 12, 1999 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☒ OUGHT TO PASS WITH AMENDMENT

☐ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill requires a certificate of boating safety education to operate any watercraft in excess of 15-horse power on the waters of this state after certain specified dates. The bill was re-referred to the Executive Departments and Administration committee for review after passing the house with a 258-100 vote. The ED&A committee found no need to make any changes in the sections dealing with Chapter 541-A, Administrative Rules issues. During the review process, the sponsors of the bill requested the committee adopt an amendment which helps clarify who can administer the temporary boating safety exam and who can issue a temporary certificate to operate a watercraft. After careful review and discussion, the committee agreed with the sponsors' intent and voted 16-0 to approve the clarifying amendment and the bill as amended. The committee strongly supports this legislation to improve boating safety through education of operators of most watercraft.

Vote 16-0.

Rep. Robert S. Mercer
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Executive Departments and Administration

HB 449-FN, requiring boating safety education. OUGHT TO PASS WITH AMENDMENT

Rep. Robert S. Mercer for **Executive Departments and Administration:** This bill requires a certificate of boating safety education to operate any watercraft in excess of 15-horse power on the waters of this state after certain specified dates. The bill was re-referred to the Executive Departments and Administration committee for review after passing the house with a 258-100 vote. The ED&A committee found no need to make any changes in the sections dealing with Chapter 541-A, Administrative Rules issues. During the review process, the sponsors of the bill requested the committee adopt an amendment which helps clarify who can administer the temporary boating safety exam and who can issue a temporary certificate to operate a watercraft. After careful review and discussion, the committee agreed with the sponsors' intent and voted 16-0 to approve the clarifying amendment and the bill as amended. The committee strongly supports this legislation to improve boating safety through education of operators of most watercraft. Vote 16-0.

BLURB
REP. MERCER

HB 449 FN

5/12/99

- THIS BILL REQUIRES A CERTIFICATE OF BOATING SAFETY EDUCATION TO OPERATE ANY WATERCRAFT IN EXCESS OF 15 hp ON THE WATERS OF THIS STATE ~~WITHOUT OBTAINING A CERT AFTER~~ CERTAIN SPECIFIED DATES.
- THE BILL WAS REFERRED TO THE ED+A COMMITTEE FOR REVIEW AFTER PASSING THE HOUSE WITH A ~~(POSITIVE)~~ 258-100 VOTE.
- THE ED+A COMMITTEE FOUND NO NEED ~~TO~~ TO MAKE ANY CHANGES IN THE SECTIONS DEALING WITH CHAPTER 541-A ADMINISTRATIVE RULES ISSUES.
- DURING THE REVIEW PROCESS THE SPONSERS OF THE BILL REQUESTED THE COMMITTEE ADOPT AN AMENDMENT WHICH HELPS CLARIFY WHO CAN

ADMINISTER THE TEMPORARY BOATING SAFETY EXAM + WHO CAN ISSUE A TEMPORARY CERTIFICATE TO OPERATE A WATERCRAFT. After careful review and discussion, the committee agreed w/ sponsors ~~AMENDMENTS~~ INTENT AND VOTED 16-0 TO APPROVE THE CLARIFYING AMENDMENT AND THE BILL AS AMENDED.

THE COMMITTEE STRONGLY SUPPORTS THIS LEGISLATION TO IMPROVE BOATING SAFETY THROUGH EDUCATION OF OPERATORS OF MOST WATERCRAFT.