

## Session 113 - (1999-2000)

### **S 0528 General Bill, By Gregory, Waldrep, Ravenel and Hutto**

#### ***Similar (H 4110)***

**Summary:** Boating Reform and Safety Act of 1999, Watercraft, Boats; Natural Resources Department, operation provisions

A BILL TO AMEND TITLE 50, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FISH, GAME AND WATERCRAFT, SO AS TO ENACT "THE SOUTH CAROLINA BOATING REFORM AND SAFETY ACT OF 1999"; TO AMEND SECTION 50-21-10, AS AMENDED, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, SO AS TO PROVIDE FOR DEFINITIONS; TO AMEND SECTION 50-21-110, AS AMENDED, RELATING TO NEGLIGENT OPERATION OF BOATS OR SIMILAR DEVICES, SO AS TO DEFINE NEGLIGENT OPERATION OF A WATERCRAFT AND PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-21-111 SO AS TO PROVIDE THAT NO PERSON MAY OPERATE OR DIRECT THE OPERATION OF A VESSEL OR USE WATER SKIS OR SIMILAR WATER DEVICES WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR ANY COMBINATION THEREOF, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 50-21-112, AS AMENDED, RELATING TO USE OF A VESSEL OR WATER DEVICE, SO AS TO PROVIDE FOR THE OFFENSE OF CAUSING INJURY OR DEATH WHILE OPERATING A VESSEL OR USING A WATER DEVICE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, AND TO PROVIDE PENALTIES FOR VIOLATIONS; BY ADDING SECTION 50-21-113 SO AS TO PROVIDE FOR THE OFFENSE OF RECKLESS OPERATION OF A VESSEL OR WATER DEVICE, AND TO PROVIDES PENALTIES; TO AMEND SECTION 50-21-114, AS AMENDED, RELATING TO OPERATION OF A VESSEL OR MANIPULATION OF A WATER DEVICE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS, SO AS TO PROVIDE THAT A PERSON ARRESTED FOR OPERATING A VESSEL OR MANIPULATING A WATER DEVICE IN THE WATERS OF THIS STATE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS IS CONSIDERED TO HAVE GIVEN HIS CONSENT TO ONE OR A COMBINATION OF CHEMICAL TESTS TO DETERMINE THE PRESENCE OF ALCOHOL OR DRUGS, AND TO PROVIDE PENALTIES FOR THE REFUSAL TO TAKE THE CHEMICAL TESTS REQUIRED BY THE ARRESTING OFFICER; TO AMEND SECTION 50-21-115, AS AMENDED, RELATING TO RECKLESS HOMICIDE BY OPERATION OF A BOAT, SO AS TO INCREASE THE PERMISSIBLE TERM OF IMPRISONMENT FROM FIVE YEARS TO TEN YEARS; BY ADDING SECTION 50-21-116 SO AS TO PROVIDE THAT A PERSON MUST SUBMIT TO ONE OR A COMBINATION OF TESTS WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT A PERSON WHO VIOLATED OR IS UNDER ARREST FOR OPERATING A WATERCRAFT WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS, OR A COMBINATION OF ALCOHOL AND DRUGS; BY ADDING SECTION 50-21-117 SO AS TO PROVIDE FOR THE OFFENSES OF OPERATING A VESSEL UNDER SUSPENSION AND USING A WATER DEVICE UNDER SUSPENSION, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 50-21-120, AS AMENDED, RELATING TO THE DUTY OF A BOAT LIVERY, SO AS TO PROVIDE THAT THE OWNER OF A BOAT LIVERY, HIS AGENT, AND EMPLOYEES, MUST NOT PERMIT A VESSEL TO DEPART FROM HIS PREMISES UNLESS IT IS IN SOUND AND SAFE OPERATING CONDITION, HAVE A VALID REGISTRATION, BE PROPERLY NUMBERED AND TITLED IN THIS STATE; TO AMEND SECTION 50-21-130, AS AMENDED, RELATING TO THE DUTIES OF VESSEL OPERATORS INVOLVED IN A COLLISION, ACCIDENT, OR OTHER CASUALTY, SO AS TO PROVIDE FOR THE OFFENSE OF FAILURE TO STOP WHEN INJURY, GREAT BODILY INJURY, OR DEATH RESULTS FROM A COLLISION, ACCIDENT, OR OTHER CASUALTY, AND TO PROVIDE PENALTIES FOR VIOLATIONS; TO AMEND SECTION 50-21-150, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS OF CHAPTER 21, TITLE 50, SO AS TO PROVIDE FOR PENALTIES FOR VIOLATIONS OF THE CHAPTER WHERE PENALTIES ARE NOT SPECIFIED; TO AMEND SECTION 50-21-320, AS AMENDED, RELATING TO VESSELS THAT NEED NOT BE NUMBERED, SO AS TO PROVIDE WHEN CERTAIN VESSELS COVERED BY A CERTIFICATE OR NUMBER IN EFFECT THAT IS ISSUED PURSUANT TO FEDERAL LAW OR A FEDERAL NUMBERING SYSTEM NEED NOT BE NUMBERED IN THIS STATE; TO AMEND SECTION 50-21-340, AS AMENDED, RELATING TO APPLICATIONS FOR NUMBER AND CERTIFICATE FOR MOTORBOATS, SO AS TO INCREASE THE APPLICATION FEE; TO AMEND SECTION 50-21-370, AS AMENDED, RELATING TO TEMPORARY CERTIFICATE OF NUMBER FOR RECENTLY PURCHASED WATERCRAFT, SO AS TO PROVIDE THAT WHEN USING A RECENTLY PURCHASED WATERCRAFT UNDER AUTHORITY OF A TEMPORARY CERTIFICATE OF NUMBER THE OPERATOR SHALL CARRY A COPY OF THE BILL OF SALE AND THE TEMPORARY CERTIFICATE OF NUMBER ON BOARD AS PROOF OF OWNERSHIP; TO AMEND SECTION 50-21-710, AS AMENDED, RELATING TO AIDS TO NAVIGATION, NEGLIGENT OPERATION, AND PROHIBITED ACTS, SO AS TO PROVIDE THAT OPERATION OF ANY VESSEL WITHIN A PROHIBITED AREA IS NEGLIGENT OPERATION; TO AMEND SECTION 50-21-870, AS AMENDED, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO DELETE CERTAIN PROVISIONS; TO AMEND SECTION 50-23-15, RELATING TO PERMITTED MARINE DEALERS, SO AS TO PROVIDE FOR INSPECTION OF PREMISES, BOOKS, AND RECORDS, AND TO PROVIDE PENALTIES FOR FAILURE TO

ALLOW INSPECTIONS; TO AMEND SECTION 50-23-70, AS AMENDED, RELATING TO APPLICATION FOR CERTIFICATES OF TITLE, SO AS TO INCREASE THE APPLICATION FEES AND PROVIDE FOR AN EXEMPTION FOR WATERCRAFT PROPELLED BY HAND WITH OAR, PADDLE, OR SIMILAR DEVICE; TO AMEND SECTION 50-23-80, AS AMENDED, RELATING TO PUBLIC RECORDS PERTAINING TO THE TITLED OWNER'S PERSONAL INFORMATION AND THE MANUFACTURER'S HULL AND IDENTIFICATION OR SERIAL NUMBER FROM PUBLIC DISCLOSURE; TO AMEND SECTION 50-23-190, AS AMENDED, RELATING TO UNLAWFUL ACTS IN CONNECTION WITH WATERCRAFT, SO AS TO PROVIDE THAT IT IS UNLAWFUL TO OPERATE A WATERCRAFT WITHOUT DISPLAYING THE ISSUED DECAL; TO AMEND SECTION 50-23-210, AS AMENDED, RELATING TO CERTIFICATES OF TITLE TO WATERCRAFT, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY REVOKE A CERTIFICATE OF TITLE UPON NOTICE AND THE OPPORTUNITY FOR A HEARING, AND THAT THE DEPARTMENT MAY SEIZE REVOKED CERTIFICATES THAT ARE NOT RETURNED TO THE DEPARTMENT; BY ADDING SECTION 50-23-215 SO AS TO PROVIDE THAT THE OWNER OF A VESSEL NUMBERED OR DOCUMENTED IN THIS STATE MUST FURNISH THE DEPARTMENT OF NATURAL RESOURCES WRITTEN NOTICE OF THE TRANSFER OF HIS INTEREST IN A VESSEL NUMBERED OR DOCUMENTED IN THIS STATE WITHIN FIFTEEN DAYS OF THE DATE OF THE TRANSFER; TO AMEND SECTION 50-23-220, RELATING TO DEPOSIT AND USE OF FUNDS, SO AS TO PROVIDE THAT UP TO ONE-HALF OF THE FEES COLLECTED UNDER THIS CHAPTER MAY BE USED FOR ENFORCEMENT OF BOATING LAWS; TO AMEND SECTION 50-23-280, AS AMENDED, RELATING TO PENALTIES FOR VIOLATIONS OF CHAPTER 23, TITLE 50, SO AS TO INCREASE THE PENALTIES FOR CERTAIN OFFENSES; TO AMEND TITLE 50 OF THE 1976 CODE BY NAMING CHAPTER 23, TITLE 50, "WATERCRAFT AND OUTBOARD MOTORS", TO DESIGNATE SECTIONS 50-23-10 THROUGH 50-23-290 AS ARTICLE 1, CHAPTER 23, TITLE 50, NAMED "TITLING", TO REDESIGNATE ARTICLE 3, CHAPTER 21, TITLE 50 AS ARTICLE 3, CHAPTER 23, TITLE 50, NAMED "NUMBERING", AND TO DIRECT THE CODE COMMISSIONER TO RENUMBER THE CODE SECTIONS OF THE EXISTING ARTICLE 3, CHAPTER 21, TITLE 50 AS ARTICLE 3, CHAPTER 23, TITLE 50; AND TO REPEAL SECTIONS 50-21-390, 50-21-410, 50-23-10, 50-23-24 AND 50-23-50 OF THE 1976 CODE.

<b>02/24/99</b>	<b>Senate</b>	<b>Introduced and read first time SJ-2</b>
<b>02/24/99</b>	<b>Senate</b>	<b>Referred to Committee on Fish, Game and Forestry SJ-2</b>
<b>03/09/99</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Fish, Game and Forestry SJ-12</b>
<b>03/10/99</b>	<b>Senate</b>	<b>Amended SJ-12</b>
<b>03/10/99</b>	<b>Senate</b>	<b>Read second time SJ-12</b>
<b>03/10/99</b>	<b>Senate</b>	<b>Ordered to third reading with notice of amendments SJ-12</b>
<b>03/16/99</b>	<b>Senate</b>	<b>Special order SJ-23</b>
<b>03/17/99</b>	<b>Senate</b>	<b>Amended SJ-37</b>
<b>03/17/99</b>	<b>Senate</b>	<b>Read third time and sent to House SJ-37</b>
<b>03/18/99</b>	<b>House</b>	<b>Introduced and read first time HJ-2</b>
<b>03/18/99</b>	<b>House</b>	<b>Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-6</b>
<b>05/11/99</b>	<b>House</b>	<b>Committee report: Favorable with amendment Agriculture, Natural Resources and Environmental Affairs HJ-17</b>
<b>05/12/99</b>	<b>House</b>	<b>Debate adjourned until Tuesday, May 18, 1999 HJ-30</b>
<b>05/18/99</b>	<b>House</b>	<b>Requests for debate-Rep(s). Simrill, Cato, Tripp, Fleming and Knotts HJ-27</b>
<b>05/19/99</b>	<b>House</b>	<b>Requests for debate removed-Rep(s). Knotts, Cato and Tripp HJ-81</b>
<b>05/19/99</b>	<b>House</b>	<b>Requests for debate-Rep(s). F. Smith HJ-85</b>
<b>05/19/99</b>	<b>House</b>	<b>Debate interrupted HJ-87</b>
<b>05/20/99</b>	<b>House</b>	<b>Requests for debate-Rep(s). McGee, Kirsh, Robinson and Davenport HJ-16</b>
<b>05/26/99</b>	<b>House</b>	<b>Requests for debate removed-Rep(s). Davenport and Simrill HJ-65</b>
<b>05/27/99</b>	<b>House</b>	<b>Requests for debate removed-Rep(s). Kirsh, Robinson and McGee HJ-47</b>
<b>05/27/99</b>	<b>House</b>	<b>Requests for debate-Rep(s). Littlejohn, Tripp, Witherspoon, Sharpe, Knotts, Stuart, Gamble, Riser, Dantzler, Woodrum, Hayes, Hawkins, Barfield, Davenport, Phillips, Rhoad, Gourdine and Ott HJ-159</b>
<b>05/27/99</b>	<b>House</b>	<b>Requests for debate removed-Rep(s). Littlejohn HJ-160</b>
<b>06/01/99</b>	<b>House</b>	<b>Amended HJ-106</b>
<b>06/01/99</b>	<b>House</b>	<b>Debate interrupted HJ-114</b>
<b>06/02/99</b>	<b>House</b>	<b>Requests for debate removed-Rep(s). Tripp HJ-90</b>
<b>06/03/99</b>	<b>House</b>	<b>Requests for debate removed-Rep(s). Fleming HJ-83</b>
<b>01/13/00</b>	<b>House</b>	<b>Recommitted to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-22</b>