**South Carolina General Assembly**

125th Session, 2023-2024

**S. 33**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hutto and Kimpson

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Introduced in the Senate on January 10, 2023

Introduced in the House on February 16, 2023

Last Amended on February 14, 2023

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Watercraft

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Fish, Game and Forestry**

 1/6/2023 Scrivener's error corrected

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 28)

 1/10/2023 Senate Referred to Committee on **Fish, Game and Forestry** (Senate Journal‑page 28)

 2/2/2023 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** (Senate Journal‑page 10)

 2/6/2023 Scrivener's error corrected

 2/14/2023 Senate Committee Amendment Adopted (Senate Journal‑page 14)

 2/14/2023 Senate Read second time (Senate Journal‑page 14)

 2/14/2023 Senate Roll call Ayes-38 Nays-3 (Senate Journal‑page 14)

 2/15/2023 Senate Read third time and sent to House (Senate Journal‑page 6)

 2/16/2023 House Introduced and read first time (House Journal‑page 18)

 2/16/2023 House Referred to Committee on **Labor, Commerce and Industry** (House Journal‑page 18)

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/33_20221130.docx)

[02/02/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/33_20230202.docx)

[02/06/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/33_20230206.docx)

[02/14/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/33_20230214.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted

February 14, 2023

S. 33

Introduced by Senators Hutto and Kimpson

S. Printed 02/14/23--S.

Read the first time January 10, 2023

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A bill

to amend the South Carolina Code of Laws by adding Section 50‑21‑107 so as to provide that owners of watercraft of more than SEVENTY horsepower must carry liability insurance of at least fifty thousand dollars of coverage per occurRence, to provide penalties, and to provide for the collection of fines; by amending Section 50‑21‑10, relating to Definitions, so as to defIne terms; and by amending Sections 50‑23‑20 and 50‑23‑35, both relating to watercraft titleS, so as to provide for the dual titling of a watercraft and outboard motor.

 Amend Title To Conform

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 21, Title 50 of the S.C. Code is amended by adding:

 Section 50‑21‑107. (A) For the purposes of this section:

 (1) “Acceptable electronic format” means an electronic image produced on a person’s cellular phone or other portable electronic device that displays all of the information in a policy declaration or other documentation as clearly as a paper policy declaration or other documentation.

 (2) “Proof of insurance” shall consist of a policy declaration page or other documentation, or a copy of a policy declaration page or other documentation, available in an acceptable electronic format that can be carried on a watercraft, personal watercraft, or specialty propcraft that reflects the watercraft, personal watercraft, or specialty propcraft coverage furnished to an insured by an insurance company. The presentment of proof of insurance in an acceptable electronic format does not:

 (a) authorize a search of any other content of an electronic device without a search warrant or probable cause; or

 (b) expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

 (B) It shall be unlawful for the owner of a watercraft of more than seventy horsepower, or a personal watercraft or specialty propcraft, that is titled in this State or is documented by the United States Coast Guard with a hailing port located in this State to allow the operation of the watercraft, personal watercraft, or specialty propcraft on the waters of this State unless it is covered by a liability insurance policy that has been issued by an insurance company. The insurance policy must provide at least fifty thousand dollars of combined liability coverage for bodily injury to others, or the destruction of the property of others, resulting from any one occurrence.

 (C) Each applicant for a watercraft title and registration, and each applicant for a registration renewal, of a watercraft of more than seventy horsepower, or a personal watercraft or specialty propcraft, shall certify to the department that the watercraft, personal watercraft, or specialty propcraft is covered by an insurance policy that meets the requirements of this section.

 (D) Insurance companies shall not be required to provide proof of insurance that may be conveniently carried if the insurance coverage is provided as part of a homeowner’s insurance policy. Insurance companies are not required to notify the department of any lapse or cancelation in insurance coverage.

 (E)(1) If a watercraft of more than seventy horsepower, or a personal watercraft or specialty propcraft, is involved in an accident on the waters of this State, then failure to present proof of insurance coverage that meets the requirements of this section creates a rebuttable presumption that the watercraft, personal watercraft, or specialty propcraft is uninsured.

 (2) Upon a showing that liability coverage required by this section was in effect at the time of an accident, a judge may dismiss a charge imposed under this section, and the penalties may not be imposed. However, if the operator of a watercraft of more than seventy horsepower, or a personal watercraft or specialty propcraft, is involved in an accident on the waters of this State and the watercraft, personal watercraft, or specialty propcraft is not insured as required by this section, then the owner of the watercraft, personal watercraft, or specialty propcraft shall be deemed guilty of a misdemeanor.

 (F) A person who violates the provisions of this section:

 (1) for a first offense, must be fined not less than fifty dollars and not more than two hundred fifty dollars;

 (2) for a second offense, must be fined not less than two hundred fifty dollars and not more than five hundred dollars; and

 (3) for a third or subsequent offense, must be fined not less than five hundred dollars and not more than one thousand dollars, imprisoned for up to one year, or both.

 (G) All fines collected pursuant to this section shall be deposited into the general fund and credited to the department for the purpose of establishing, maintaining, and operating a program for boater training and boater safety throughout the State.

SECTION 2. Section 50-21-10 (20) through (29) of the S.C. Code are amended to read:

 (20) “Personal watercraft” means a vessel, usually less than sixteen feet in length, that uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull. Personal watercraft include a vessel commonly known as a “jet ski”.

 (21) “Reportable boating accident” means an accident, collision, or other casualty involving a vessel subject to this chapter which results in loss of life, injury which results in loss of consciousness, necessity for medical treatment, necessity to carry a person from the scene, disability which prevents the discharge of normal duties beyond the day of casualty, or actual physical damage to property including vessels in excess of the minimum amount set by the United States Coast Guard for reportable accidents.

 (21)(22) “Serial number” means the identifying manufacturer's number affixed to a watercraft before November 2, 1972, and to outboard motors before, on, and after that date. The serial number of watercraft manufactured after November 1, 1972, is part of the hull identification number.

 (23) “Specialty propcraft” means a vessel that is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller-driven motor.

 (22)(24) “Temporary certificate of number” is a temporary registration assigned to a vessel to allow operation for a limited purpose.

 (23)(25) “Tender” means a small watercraft attendant to a larger vessel that meets United States Coast Guard requirements and is used solely for ferrying supplies or passengers and crew between its parent vessel and shore.

 (24)(26) “Use” means operate, navigate, or employ.

 (25)(27) “Vessel” means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

 (26)(28) “Water device” means a motorboat, boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device.

 (27)(29) “Waters of the State” means waters within the territorial limits of the State but not private lakes or ponds.

 (28)(30) “Watercraft” means any thing used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or any thing that does not meet construction or operational requirements of the state or federal government for watercraft.

 (29)(31) “Wake surf” means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.

SECTION 3. This act takes effect on January 1, 2024.

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