**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 50‑21‑81 SO AS TO REGULATE THE OPERATION OF MOTORIZED WATERCRAFT AND PROVIDE PENALTIES FOR VIOLATIONS OF THIS PROVISION; AND TO AMEND SECTION 50‑21‑870, RELATING TO THE OPERATION OF PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO DELETE THE PROVISIONS THAT REGULATE THE OPERATION OF A PERSONAL WATERCRAFT SPECIALTY PROPCRAFT, OR A VESSEL BY A PERSON WHO IS YOUNGER THAN SIXTEEN YEARS OF AGE, AND TO DELETE VARIOUS PROVISIONS THAT REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO PROMULGATE REGULATIONS RELATING TO BOATING SAFETY PROGRAMS, MAKE IT UNLAWFUL TO ALLOW A PERSON TO OPERATE A VESSEL IN VIOLATION OF THIS SECTION, PROVIDE PENALTIES FOR VIOLATING THIS SECTION, AND EXEMPTS THE OPERATION OF VESSELS BY CERTAIN PERSONS FROM THE PROVISIONS CONTAINED IN THIS SECTION.

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

SECTION 1. Article 1, Chapter 21, Title 50 of the 1976 Code is amended by adding:

“Section 50‑21‑81. (A) No person born after June 30, 2000, may operate a motorized watercraft equipped with an engine fifteen horsepower or greater without having successfully completed a boating safety course administered by the Department of Natural Resources or a boating safety course that is approved by the National Association of State Boating Law Administrators (NASBLA) and accepted by the Department of Natural Resources. Proof of successful completion of a course in boating safety must be provided by the department, or other entity providing the training, in the form of a boating education certification card approved by the department and issued to the individual. Proof of successful completion of a NASBLA-approved boating education course from another state, United States territory, Canadian province, or another foreign country recognized by the United States meets the requirements of this section. Anyone operating a motorized watercraft with an engine less than fifteen horsepower is not required to complete a boating safety course or have a boating safety certificate on board the watercraft.

(B) A person required to have a boating safety certificate to operate a watercraft must have the certificate on his person or on board the watercraft while operating the watercraft, and must provide it to any authorized law enforcement officer when requested.

(C) It is unlawful for a person younger than the age of twelve to operate a motorized watercraft unless accompanied by an adult, eighteen years or older, who is not under the influence of alcohol, drugs, or a combination of them.

(D) It is unlawful for a person who owns a motorized watercraft or who has charge over or control of a motorized watercraft to authorize or knowingly to permit the motorized watercraft to be operated in violation of this section.

(E) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be:

(1) for a first offense, fined not less than fifty dollars, nor more than five hundred dollars, or imprisoned for not more than thirty days;

(2) for a second offense, fined not less than one hundred dollars, nor more than five hundred dollars, or imprisoned for not more than thirty days;

(3) in addition to any other penalty, have his privilege to operate a motorized watercraft within this State suspended by the department for a period of six months upon conviction for a second offense. The person’s privilege shall remain suspended until successful completion of a boating safety education program approved by the department.

(F) This section does not apply to:

(1) the operation of motorized watercraft by the following personnel while in the performance of their official duties:

(a) law enforcement;

(b) emergency medical;

(c) civil defense;

(d) military;

(e) state and federally approved natural resources officials; and

(f) individuals involved in biological research programs;

(2) activity on private waters;

(3) performers engaged in a professional exhibition or a person preparing to participate or participating in an officially sanctioned regatta, race, marine parade, tournament, or exhibition

in an area and at a time designated for that purpose.

(G) The Department of Natural Resources shall promulgate regulations relating to boating safety programs administered by the department or subject to its approval.”

SECTION 2. Section 50‑21‑870(B), (C), (D), and (E) of the 1976 Code is amended to read:

“(B) No person may:

(1)(a) operate, be in possession of, or give permission to operate a personal watercraft or specialty propcraft while upon the waters of this State unless each person aboard the personal watercraft or specialty propcraft is wearing a United States Coast Guard approved personal flotation device, Type I, Type II, Type III, or Type V;

(b) operate, be in possession of, or give permission to operate a Class “A” motor boat while upon the waters of this State unless each person under the age of twelve aboard the Class “A” motor boat is wearing a United States Coast Guard approved personal flotation device, Type I, Type II, Type III, or Type V;

Each personal flotation device must be fastened properly, in good and serviceable condition, and the proper size for the person wearing it;

(2) operate or be in possession of a personal watercraft or specialty propcraft while upon the waters of this State after sunset or before sunrise;

(3) operate or be in possession of a personal watercraft or specialty propcraft while upon the waters of this State unless it is equipped with a self‑circling device or a lanyard‑type engine cutoff switch;

(4) operate or be in possession of while upon the waters of this State a personal watercraft or specialty propcraft which has been equipped by the manufacturer with a lanyard‑type engine cutoff switch unless the lanyard and the switch are operational and unless the lanyard is attached to the operator, the operator’s clothing, or a personal flotation device worn by the operator;

(5) operate or be in possession of while upon the waters of this State a personal watercraft or specialty propcraft which has been equipped by the manufacturer with a self‑circling device if the self‑circling device or the engine throttle has been altered in a way that would prohibit the self‑circling device from operating in its intended manner;

(6) operate a personal watercraft, specialty propcraft, or vessel while upon the waters of this State in excess of idle speed within 50 feet of a moored or an anchored vessel, wharf, dock, bulkhead, pier, or a person in the water, or within 100 yards of the Atlantic Ocean coast line. The prohibitions contained in this item (6) do not apply to an unoccupied, moored vessel or watercraft;

(7) chase, harass, molest, worry, or disturb wildlife with a personal watercraft, specialty propcraft, or vessel except while lawfully angling for, hunting, or trapping wildlife; or

(8) tow a water skier or a person on a floating device with a personal watercraft or specialty propcraft unless the watercraft is equipped with a wide‑angled mirror which permits the operator to observe the person being towed or carrying a person other than the operator who is in position to observe the person being towed. No person may tow a water skier or a floating device unless the person being towed is wearing a personal flotation device as provided in item (1). A personal watercraft or specialty propcraft may be used to tow another vessel when rendering assistance~~;~~

~~(9)(a)~~ ~~operate a personal watercraft, specialty propcraft, or vessel if he is younger than sixteen years of age, unless accompanied by an adult, eighteen years or older, who is not under the influence of alcohol, drugs, or a combination of them. However, a person younger than sixteen years of age may operate a personal watercraft, specialty propcraft, or vessel without being accompanied by an adult if one or more of the following applies:~~

~~(i)~~ ~~the person completes a boating safety program as administered by the Department of Natural Resources; or~~

~~(ii)~~ ~~the person completes a boating safety program approved by the Department of Natural Resources;~~

~~(iii)~~ ~~anyone operating a vessel with less than fifteen horsepower engine will not be required to take the boating safety program.~~

~~(b)~~ ~~It is unlawful for a person who has temporary or permanent responsibility for a child to knowingly or wilfully violate item (9) of subsection (B).~~

~~(c)~~ ~~The Department of Natural Resources shall promulgate regulations relating to boating safety programs administered by the department or subject to its approval.~~

~~(C)~~ ~~It is unlawful for a person who owns a personal watercraft, specialty propcraft, or vessel, or who has charge over or control of a personal watercraft, specialty propcraft, or vessel to authorize or knowingly to permit the personal watercraft, specialty propcraft, or vessel to be operated in violation of this section.~~

~~(D)~~ ~~A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars but no more than three hundred dollars.~~

~~(E)~~ ~~This section does not apply to:~~

~~(1)~~ ~~the operation of personal watercraft, specialty propcraft, or vessels by the following personnel while in the performance of their official duties:~~

~~(a)~~ ~~law enforcement;~~

~~(b)~~ ~~emergency medical;~~

~~(c)~~ ~~civil defense;~~

~~(d)~~ ~~military;~~

~~(e)~~ ~~state and federally approved wildlife;~~

~~(f)~~ ~~those involved in biological research programs;~~

~~(2)~~ ~~activity on private waters;~~

~~(3)~~ ~~performers engaged in a professional exhibition or a person preparing to participate or participating in an officially sanctioned regatta, race, marine parade, tournament, or exhibition in an area and at a time designated for that purpose~~.”

SECTION 3. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 4. This act takes effect upon approval by the Governor.

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