~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

February 24, 2021

**S. 497**

Introduced by Senators Campsen, McElveen, Peeler and Gustafson

S. Printed 2/24/21--S.

Read the first time January 28, 2021.

**A** **BILL**

TO AMEND SECTION 50‑21‑90 OF THE 1976 CODE, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50 OF THE 1976 CODE, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50‑21‑95, TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT HAVING POSSESSION OF A SOUTH CAROLINA BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS, AND TO PROVIDE A PENALTY FOR A VIOLATION OF THIS PROVISION; TO DEFINE NECESSARY TERMS; TO DELETE SECTION 50‑21‑870(A)(1), RELATING TO THE DEFINITION FOR THE TERM “PERSONAL WATERCRAFT”; AND TO DELETE SECTION 50‑21‑870(B)(9), RELATING TO THE OPERATION OF CERTAIN WATERCRAFT BY PERSONS YOUNGER THAN SIXTEEN YEARS OF AGE.

Amend Title To Conform

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

SECTION 1. Section 50‑21‑10 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘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’.”

SECTION 2. Section 50‑21‑90 of the 1976 Code is amended to read:

“Section 50‑21‑90. (A) ~~The department is hereby authorized to inaugurate a comprehensive boating safety and boating educational program, and to seek the cooperation of boatmen, the federal government and other states.~~ The department must administer a boating education course and may approve of additional boating education courses. A list of approved courses must be provided on the department’s website.

(B) The following persons must be provided a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boater education certificate, or an equivalency, by another state; and

(3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard.”

SECTION 3. Article 1, Chapter 21, Title 50 of the 1976 Code is amended by adding:

“Section 50‑21‑95. (A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater, a personal watercraft, or a specialty propcraft without having possession of a South Carolina boating safety certificate issued by the department in the person’s name, unless the person:

(1) was born on or before July 1, 2006;

(2) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person’s name, regardless of the expiration date on the license;

(3) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person’s name, regardless of the expiration date on the credential;

(4) is a nonresident in possession of a boater education certificate, or an equivalency, issued by another state in the nonresident’s name;

(5) is exempt pursuant to a regulation promulgated by the department; or

(6) is accompanied by a person at least eighteen years old who:

(a) is in possession of a South Carolina boating safety certificate issued by the department in the person’s name; or

(b) meets one of the criteria in items (1) through (5) of this subsection.

(B) A person who is adjudicated to be in violation of this section must be fined not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED.”

SECTION 4. Section 50‑21‑870(A)(1) of the 1976 Code is deleted.

SECTION 5. Section 50‑21‑870(B)(9) of the 1976 Code is deleted.

SECTION 6. This act takes effect July 1, 2022.

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