

**NORTH CAROLINA GENERAL ASSEMBLY**

**LEGISLATIVE FISCAL NOTE**

**BILL NUMBER:** House Bill 1209

**SHORT TITLE:** Personal Watercraft Safety

**SPONSOR(S):** Representative Preston

**FISCAL IMPACT**

**Yes ( )      No ( )      No Estimate Available ( )**

**FY 1999-00   FY 2000-01   FY 2001-02   FY 2002-03   FY 2003-04**

**REVENUES**

**EXPENDITURES**      Wildlife Fund and General Fund – No significant fiscal impact

**POSITIONS:**

**PRINCIPAL DEPARTMENT(S) &**

**PROGRAM(S) AFFECTED:** N.C. Wildlife Resources Commission; Judicial Branch

**EFFECTIVE DATE:** December 1, 1999 and applies to acts committed on or after that date.

**BILL SUMMARY: H 1209. PERSONAL WATERCRAFT SAFETY. TO IMPROVE BOATING SAFETY BY AMENDING THE STATE LAW REGULATING PERSONAL WATERCRAFT OPERATION TO CONFORM WITH THE RECOMMENDATIONS OF THE NATIONAL ASSOCIATION OF STATE BOATING LAW ADMINISTRATORS AND TO OTHERWISE IMPROVE PERSONAL WATERCRAFT SAFETY.** Amends GS 75A-13.3 on personal watercraft as follows. Prohibits operation of personal watercraft after sunset and before sunrise (was, one hour after sunset and one hour before sunrise). Continues to allow person age 13 or older but under age 16 to operate personal watercraft but requires person to be accompanied by someone at least 18 years old (was, 16). Requires person under age 16 to carry identification and boater safety certification card while operating personal watercraft and to produce identification and certification card on request of wildlife or local law enforcement officer; provides that violation is infraction under amended GS 75A-18. Requires livery that rents personal watercraft to public to carry liability insurance of at least \$1,000,000; provides that violation is Class 2 misdemeanor, punishable by fine up to \$1,000 under amended GS 75A-18. Requires persons operating personal watercraft to wear type I, II, III, or V flotation device and provides that inflatable flotation devices do not satisfy this requirement. Prohibits towing of another person behind personal watercraft unless an observer is on board in addition to the operator and the number of persons on the personal watercraft does not exceed the maximum

number of persons recommended by the manufacturer. Prohibits jumping of wake of another vessel within 100 feet of vessel (was, when unreasonably or unnecessarily close). Prohibits operating personal watercraft at greater than no-wake speed in areas specified in new GS 75A-13.3(e)(4); also prohibits operating personal watercraft contrary to rules of road and following too closely as defined in new GS 75A-13.3(e)(5). Repeals subsection (g) of GS 75A-13.3, which limited application of section to certain waters within state; also repeals GS 75A-13.2, the current section on personal watercraft.<sup>1</sup>

**HOUSE WAYS AND MEANS COMMITTEE SUBSTITUTE:**

House committee substitute makes the following changes to 1st edition. Deletes provision that operation of a personal watercraft by any person under 16 is an infraction pursuant to GS 14-3.1, and changes effective date to Dec. 1, 1999.<sup>2</sup>

**ASSUMPTIONS AND METHODOLOGY:** House Bill 1209 amends state law regulating personal watercraft operation to conform with the recommendations of the National Association of State Boating Law Administrators. G.S. 75A-3 requires the North Carolina Wildlife Resources Commission (WRC) to administer the Boating Safety Act. The WRC does not anticipate any significant fiscal impact on the Wildlife Fund to administer the provisions in House Bill 1209. In addition, Fiscal Research does not anticipate significant livery infractions and no prison impact from a Class 2 misdemeanor.

**TECHNICAL CONSIDERATIONS:** House Bill 1209 requires liveries that rent personal watercraft to carry liability insurance of at least one million dollars. The WRC estimates that there are less than approximately 100 liveries in operation concentrated primarily on the coast. These liveries are not required to register their operations with the WRC.

**FISCAL RESEARCH DIVISION 733-4910**

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**APPROVED BY:** Tom Covington

**DATE:** Wednesday, April 28, 1999



**Signed Copy Located in the NCGA Principal Clerk's Offices**

<sup>1</sup> *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Volume 1999, No. 46, April 16, 1999

<sup>2</sup> *Daily Bulletin*, Institute of Government, UNC-Chapel Hill, Volume 1999, No. 53, April 27, 1999