

ASSEMBLY BILL

No. 2045

Introduced by Assembly Member Nakano

February 18, 2000

An act to amend Sections 668.1 and 668.2 of, and to add Section 668.3 to, the Harbors and Navigation Code, relating to boating.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as introduced, Nakano. Boating safety.

Existing law permits, and in some cases requires, any person convicted of specified offenses relating to the operation of vessels to be ordered by the court to complete and pass a boating safety course.

This bill would require the Department of Boating and Waterways to approve boating safety courses for those purposes. The bill would make conforming changes.

The bill also would require the department to develop a personal watercraft education course, which would be voluntary. The bill would require that course to be made available on the department's website.

Existing law authorizes the department to grant funds from the Harbors and Watercraft Revolving Fund, which is available upon appropriation by the Legislature, for, among other things, scholarship funding relating to boating safety education and to finance the purchase of vessels and related safety equipment for use in boating safety education classes.

This bill would also authorize the department to grant funds from that fund to provide boating safety courses approved by the department pursuant to the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 668.1 of the Harbors and
2 Navigation Code is amended to read:

3 668.1. (a) Any person convicted of a violation of
4 subdivision (b), (c), (d), (e), or (f) of Section 655
5 pertaining to a mechanically propelled vessel but not to
6 manipulating any water skis, an aquaplane, or similar
7 device, when the conviction resulted from the operation
8 of a vessel, shall be ordered by the court to complete and
9 pass a boating safety course approved by the department
10 *pursuant to Section 668.3.*

11 (b) Any person convicted of a violation of subdivision
12 (a) of Section 655 or of Section 655.2, 655.6, 658, or 658.5
13 of this code, or Section 191.5 of the Penal Code, when the
14 conviction resulted from the unlawful operation of a
15 vessel, may be ordered by the court to complete and pass
16 a boating safety course approved by the department
17 *pursuant to Section 668.3.*

18 (c) Any person convicted of a violation of Section
19 655.2, 655.6, 658, or 658.5 of this code, or Section 191.5 of
20 the Penal Code, when the conviction resulted from the
21 operation of a vessel within seven years of a previous
22 conviction of any of those violations, shall be ordered by
23 the court to complete and pass a boating safety course
24 approved by the department *pursuant to Section 668.3.*

25 (d) Any person who has been ordered by the court to
26 complete and pass a boating safety course pursuant to this
27 section shall submit to the court proof of completion and
28 passage of the course within seven months of the time of
29 his or her conviction. The proof shall be in a form that has
30 been approved by the department and that provides for
31 the ability to submit the form to the court through the
32 United States Postal Service. If the person who has been



1 required to complete and pass a boating safety course is
2 under 18 years of age, the court may require that the
3 person obtain parental consent to enroll in the course. If
4 the person does not complete and pass the boating safety
5 course, the court may extend the period for completion
6 or impose another penalty as prescribed by statute.

7 (e) The department shall adopt regulations to carry
8 out this section, including approval of boating safety
9 education courses, *as specified in Section 668.3*,
10 prescribing the forms for proof of completion and
11 passage, and setting forth any fees to be charged to course
12 participants, which fees shall not exceed the expenses
13 associated with providing the course.

14 SEC. 2. Section 668.2 of the Harbors and Navigation
15 Code is amended to read:

16 668.2. The department may grant funds from the
17 Harbors and Watercraft Revolving Fund to local public
18 agencies, nonprofit organizations, and colleges and
19 universities for scholarship funding relating to boating
20 safety education—~~and~~, to finance the purchase of vessels
21 and related safety equipment for use in boating safety
22 education classes, *and to provide boating safety courses*
23 *approved by the department pursuant to Section 668.3*.
24 The department may adopt regulations necessary to
25 implement this section.

26 SEC. 3. Section 668.3 is added to the Harbors and
27 Navigation Code, to read:

28 668.3. (a) For the purposes of Sections 668.1 and
29 668.2, the department shall approve boating safety
30 courses that it determines provides the course taker with
31 comprehensive information and effectively educates the
32 course taker as to the basic rules of California waterways,
33 the proper and safe manner to operate recreational
34 vessels, and actions that can be taken to avoid
35 boating-related environmental pollution.

36 (b) The department shall develop a personal
37 watercraft education course that provides the course
38 taker with comprehensive information and effectively
39 educates the course taker as to the basic rules of California
40 waterways, the proper and safe manner to operate



1 personal watercraft, and actions that can be taken to
2 avoid personal watercraft-related environmental
3 pollution. The course shall be voluntary and shall be made
4 available to groups, individuals, and clubs. The course
5 shall be made available on the department's website.

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