
MLA – State Law Updates 2020

MLA Recreational Boating State Legislation Subcommittee

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- **Alabama**
 - None
- **Alaska**
 - S.B. 29, 31st Leg. Sess., Reg. Sess. (Alaska 2019).
 - Extends the termination date of the Board of Marine Pilots from June 30, 2019 to June 30, 2027.
- **Arizona**
 - None
- **Arkansas**
- None
- **California**
 - A.B. 912, 2019 Assemb., Reg. Sess. (Cal. 2019).
 - The bill delays the implementation of California’s ballast water discharge standards until 2030, and further directs the State Lands Commission to enforce discharge standards set forth in the Code of Federal Regulations.
 - No. 42-Z, California Regulatory Notice Register 2019-10-18 pp.1405-1418.
 - California has announced a Notice of Proposed Rulemaking inviting public comment on the proposed *Control Measure for Ocean-Going Vessels At Berth*. The rule, if enacted, would further tighten emission regulations for vessels berthing at California ports.
- **Colorado**
 - H.B. 1026, 72nd Gen. Assemb., Reg. Sess. (Colo. 2019).
 - Amends C.R.S. § 33-13-108 and doubles the penalty from \$50 to \$100 for those who operate or give permission to operate a vessel that is not equipped as required by Colorado law; emits noise in excess of the standards prescribed under Colorado law; travels above wake speed in zones marked as wakeless. The penalty for

operating a vessel in a careless or imprudent manner was also increased from \$100 to \$200.

- **Connecticut**

- Conn. Agencies Regs. § 15-229-1
 - Going into effect on March 5, 2020, the new regulation requires that certificates of title contain the brand “PREVIOUSLY BRANDED IN” if a brand was applied to the vessel’s title by a jurisdiction in which the vessel was previously titled as a prerequisite for receiving title in Connecticut.

- **Delaware**

- **None?**

- **Florida**

- FWC Executive Order No. 20-09
 - Declares and designates all waters of the state to be a boating restricted area and limits recreational vessel occupancy to no more than 10 persons per vessel and further mandates that a minimum distance of 50 feet be maintained between recreational vessels.

- **Georgia**

- H.B. 201, 155th Gen. Assemb., Reg. Sess. (Ga. 2019).
 - Authorizes the Department of Natural Resources to promulgate rules pertaining to the anchoring of certain vessels within the state’s estuarine areas, and further prohibits the discharge of sewage into estuarine areas from certain vessels.
- An Administrative Order, signed by the Commissioner of Natural Resources on December 30, 2019, prohibits overnight anchoring within 1000 feet of any structures (except for Marinas).

- **Hawaii**

- H.B. 1033, 30th Leg., 2019 Leg. Sess. (Haw. 2019).
 - H.B. 1033 applies to “all owners of vessels originally manufactured with a length of twenty-six feet or more” and also applies to “[o]wners of vessels originally manufactured with a length of less than twenty-six feet who were or are the registered owner of a grounded vessel located anywhere in the State or state ocean waters.” The bill requires owners of covered vessels to obtain insurance coverage of at least \$100,000.00 that ensures the removal and salvage of grounded vessels.

- **Idaho**

- None
- **Illinois**
 - None
- **Indiana**
 - None
- **Iowa**
 - None
- **Kansas**
 - None
- **Kentucky**
 - None
- **Louisiana**
 - None
- **Maine**
 - None
- **Maryland**
 - Per Governor Hogan’s shelter in place order of 3/30/20, all recreational boating activities in Maryland waters is prohibited until further notice. It is still acceptable to reside on a vessel if that is one’s residence, and fishing and crabbing are still acceptable so long it is being done to acquire food.
 - S.B. 93
 - Changes the hours of operation of the controlled water ski course in Maynadier Creek. Unless further action is taken by the Maryland General Assembly, then the law will be automatically abrogated at the end of May 31, 2023.
- **Massachusetts**
 - None
- **Michigan**
 - H.B. 5401, 100th Leg., Reg. Sess. (Mich. 2020)
 - Allows the Department of Natural Resources to establish temporary vessel speed limits during periods of high water conditions and also allows for fines of up to \$500 for those who violate temporary speed limits.
 - H.B. 4858, 100th Leg., Reg. Sess. (Mich. 2019)

- Amends the Natural Resources and Environmental Protection Act, originally set to expire on October 1, 2019, to October 1, 2023. The Act mandates that the secretary of state create and maintain a database of watercraft title records, among other things, and the search fees generate sizable income for the state.
- **Minnesota**
 - None
- **Mississippi**
 - None
- **Missouri**
 - None
- **Montana**
 - None
- **Nebraska**
 - L.B. 287, 106th Leg., Sec. Reg. Sess. (Neb. 2020).
 - Increases the vessel registration fee of Class 1 boats to \$28, \$51 for Class 2 boats, \$72.50 for Class 3 boats, and \$120 for Class 4 boats. The bill further allows up to \$10 dollars of each registration fee be used for the Aquatic Invasive Species Program.
- **Nevada**
 - 2018 NV Regulation Text 6533
- A new regulation promulgated by the Department of Conservation and Natural Resources / Division of State Lands establishes the monetary amount of annual use fees associated with the use of state lands associated with navigable waters of the state.
- **New Hampshire**
 - H.B. 137, 2019 Leg., 166th Sess. (N.H. 2019).
 - Establishes a commission to study the positive and negative effects of wake boats in the state.
 - H.B. 244, 2019 Leg., 166th Sess. (N.H. 2019).
 - Under New Hampshire law, specifically RSA 270:66, the director of department safety in the division of state police has authority under specific circumstances to remove or cause the removal of any mooring or boat attached thereto. H.B. 244 repeals the moorings appeals board and, in lieu thereof, directs the owner or

individual controlling the mooring to appeal directly to the commissioner of the department of safety.

- H.B. 324, 2019 Leg., 166th Sess. (N.H. 2019).
 - Prohibits personal watercraft, defined as a motorboat less than 16 feet in length and propelled by jet pump, from operating within 300 feet of any marsh land in the Hampton/Seabrook estuary.
- **New Jersey**
 - None
- **New Mexico**
 - None
- **New York**
 - SB 5685, 2019 Leg. 242nd Leg. Sess. (N.Y. 2019).
 - Known as Brianna’s Law, S.B. 5685 prohibits individuals from operating a mechanically propelled vessel on the navigable waters of the state as well as any tidewaters bordering or contained within Nassau and Suffolk counties without first completing an approved boater safety course and receiving a certificate of completion. The law removes the previously existing exemption for individuals born prior to May 1, 1996 and the certification requirement will apply to all operators by the year 2025.
 - SB 6541, 2019 Leg. 242nd Leg. Sess. (N.Y. 2019).
 - Prohibits vessels from operating a digital billboard while operating, anchoring, or mooring in the navigable waters of the state. First-time violations result in a \$1,000.00 civil penalty, and a \$5,000.00 civil penalty is assessed for all subsequent violations.
- **North Carolina**
 - None
- **North Dakota**
 - None
- **Ohio**
 - None
- **Oklahoma**
 - None
- **Oregon**
 - S.B. 47, 80th Leg. Assemb., Reg. Sess. (Or. 2019).

- Establishes an account for the purposes of increasing access to waterways. Funding would be derived from a permit which would need to be displayed on all boats 10' and over, except for motorboats and sail boats with valid registration decals.
 - H.B. 2076, 80th Leg. Assemb., Reg. Sess. (Or. 2019).
 - Enables law enforcement to require those who bypass an open inspection station to return the inspection station for an inspection. Further requires boaters to “pull the plug” and drain any water prior to transporting over land.
 - H.B. 2077, 80th Leg. Assemb., Reg. Sess. (Or. 2019).
 - Mandates that boat liveries register with the Marine Board.
 - H.B. 2078, 80th Leg. Assemb., Reg. Sess. (Or. 2019).
 - Removes the 60-day exemption for those who purchase a new boat from taking an approved boater safety course, provided that the boat has more than 10 horsepower. Out-of-state visitors must have completed any necessary boating education as required by their home states.
 - H.B. 2079, 80th Leg. Assemb., Reg. Sess. (Or. 2019).
 - Enables courts and the Marine Board to suspend the Boater Education Card for convictions for BUUI for one to three years and enables suspension of the boater education card for one year for a conviction of reckless boating. Updates the language for reckless boating to the standard used in the motor vehicle code. Changes fine for not carrying a life jacket from a class B violation (\$265) to a class D violation (\$115).
 - H.B. 2080, 80th Leg. Assemb., Reg. Sess. (Or. 2019).
 - Registration fees would increase from \$4.50 per foot to \$5.95 per foot, a 33% increase (or \$1.45 per foot). New title and title transfer fees increase from \$50 to \$75. H.B. 2080 also increases fees for a boater education card from \$10 to \$20.
 - A new administrative order promulgated by the Public Utility Commission/Board of Maritime Pilots allows for military spouses in Oregon who hold a marine pilot license in another state to qualify for a non-renewable marine pilot license in Oregon.
- **Pennsylvania**
 - H.B. 1166, 203rd Gen. Assemb., Reg. Sess. (Pa. 2019).

- H.B. 1166 amended statutes relating to the rates of pilotage and the computation of the rates thereof. In general, H.B. 1166 increased the charge per pilotage unit and the maximum unit charge.
- **Rhode Island**
 - None
- **South Carolina**
 - None
- **South Dakota**
 - H.B. 1033, 95th Leg. Assemb., Reg. Sess. (S.D. 2020).
 - H.B. 1033 seeks to limit the introduction of aquatic invasive species into the waters of the state. The bill requires individuals to clean the surface of any conveyance capable of containing aquatic invasive species and pull the plug on boats to drain out any and all water.
- **Tennessee**
 - S.B. 857, 111th Gen. Assemb., Reg. Sess. (Tenn. 2019).
 - Requires that marinas, liveries and other rental operations provide the renter with an orientation pertinent to they type of vessel being rented. At a minimum, the orientation must include the basic operation of the rented vessel, required safety equipment, rules and regulations relating to the operation of the vessel on state waterways, and an explanation of the buoy system.
- **Texas**
 - H.B. 4032, 86th Leg., Reg. Sess. (Tex. 2019).
 - The bill provides for a more competitive sales tax on certain vessels and motors. Specifically, the bill exempts certain boats and motors from taxes associated with their sale and use if the boat or motor is sold in Texas for use in another state and is removed from Texas within 10 days of the sale.
- **Utah**
 - H.B. 255, 63rd Leg., Gen. Sess. (Utah 2020).
 - The bill creates an aquatic invasive species fee that is to be imposed annually on nonresidents seeking to operate or launch a boat in the state. The bill further mandates the removal of all plugs from conveyances prior to their transport on a highway.
- **Vermont**

- None
- **Virginia**
 - None
- **Washington**
 - S.B. 5918, 66th Leg., Reg. Sess. (Wash. 2019).
 - The bill mandates that educational material regarding whale watching is added to boating safety education programs.
 - S.B. 5577, 66th Leg., Reg. Sess. (Wash. 2019).
 - Prohibits vessels from positioning behind a southern resident orca whale at any point located within four-hundred yards and prohibits vessels to exceed seven knots when they are within one-half nautical mile from as southern resident orca whale.
 - S.B. 6528, 66th Leg., Reg. Sess. (Wash. 2020).
 - Requires vessel owners to obtain a vessel inspection prior to transferring ownership if said vessel is more than thirty-five feet long and over forty years old. The bill further allows the department of natural resources to issue tickets by mail to enforce vessel registration requirements.
- **West Virginia**
 - None
- **Wisconsin**
 - A.B. 704, 104th Leg. Sess., Reg. Sess. (Wis. 2020).
 - Requires that the parent, guardian, or designated adult who is charged with supervising a minor engaged in the operation of a motorboat hold a valid boating safety certificate.
- **Wyoming**
 - None