
2010

COMMITTEE ON NATURAL RESOURCES

NEBRASKA LEGISLATURE

LR 491

Interim Study Report

**Interim Study to Examine Requiring a Boating
Education Course in Order to Reduce the
Number of Accidents**

ONE HUNDRED-FIRST LEGISLATURE

SECOND SESSION

NATURAL RESOURCES COMMITTEE MEMBERS

Senator Chris Langemeier, Chairman
Senator Annette Dubas, Vice-Chairwoman
Senator Tom Carlson
Senator Tanya Cook
Senator Deb Fischer
Senator Ken Haar
Senator Beau McCoy
Senator Ken Schilz

LR 491

NATURAL RESOURCES COMMITTEE DECEMBER, 2010

- I. LEGISLATIVE RESOLUTION 491
- II. MEMORANDUM, SENATOR CHRIS LANGEMEIER,
CHAIRMAN
- III. OCTOBER 29, 2010 HEARING TRANSCRIPT
- IV. NEBRASKA GAME AND PARKS COMMISSION
RESOURCES
<http://outdoornebraska.ne.gov/boating/pdfs/boatguide.pdf>
- V. OTHER BOATING SAFETY RESOURCES
<http://nasbla.org/i4a/pages/index.cfm?pageid=1>

MEMORANDUM

TO: NATURAL RESOURCES COMMITTEE MEMBERS
FROM: SEN. CHRIS LANGEMEIER, CHAIRMAN
DATE: DECEMBER, 2010
SUBJECT: LR 491

Sen. Ken Schilz introduced this study resolution to address his concerns with boating safety and the need for safety education. Sen. Schilz worked with the Game and Parks Commission to gather a wealth of history and data on the issue in Nebraska.

A public hearing on LR 491 was held on October 29, 2010, in front of the Natural Resources Committee. Herb Angell, Nebraska State Boating Law Administrator with the Game and Parks Commission, presented testimony regarding the status of the boating law in Nebraska compared to other states. Mr. Angell's written testimony, containing history on the topic, an analysis of the issue, and statutory language suggestions, is attached.

Michael Dodge, Nebraska Lakes Association Board of Directors member, testified his organization's support of mandatory boater safety education for all motorboat operators. In fact, he indicated that many individual residential lake associations have implemented such mandatory education for boat operators on their lakes. Mr. Dodge also provided the committee with a copy of a resolution adopted by the Lakes Association, stating its support of mandatory boating safety education. Mr. Dodge's written testimony and a copy of the above stated resolution are attached.

Sen. Schilz has been working on but has not indicated whether he will introduce legislation in the 2011 session to require mandatory boat safety education.

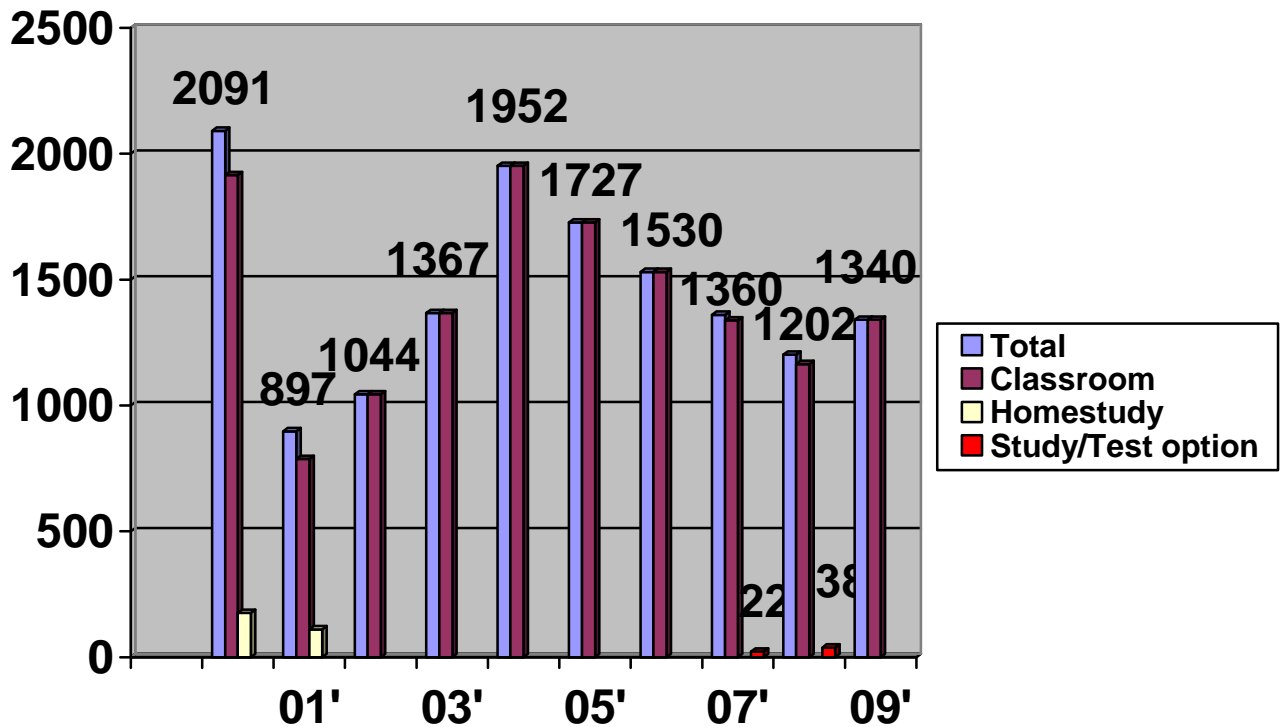
In addition to the attachments to this memo, links to other relevant materials can be found in the table of contents of this report.

Boating Safety Education

In 2009 Nebraska's Boating Safety Education program certified 1,340 students compared to 1,202 in 2008. Mandatory education for all motorboat operators under the age of 18 initially caused a large increase of students but numbers have remained fairly static since the initial law was enacted. There were 10 new instructors certified in 2009, bringing the total active boating safety instructor corps to 350. The instructors were responsible for conducting 108 classes around the State, compared to 103 in 2008. Herb Angell, Daryl Teter, and Scott Eveland were responsible for teaching 26 classes that yielded 448 certified students.

The core of the instructor group is selected from the U.S. Coast Guard Auxiliary the U.S. Power Squadron, law enforcement officers, and public school teachers.

Certified Boating Safety Students Totals Ten Year History



2009 Nebraska Boating Safety Annual Report

The Safe Boating Section in the Information and Education Division has a wide range of duties and responsibilities. The 3 major areas of responsibilities are:

1. Administration – Boat registration data entry and monitoring, new legislation for boating safety, issuance of Marine Event Permits, and general overseeing of the program budget.
2. Boating Safety Education - Certification of instructors, distribution of education materials, certification of students, and certification of education classes.
3. Boating Law Enforcement – Patrols, accident investigation, and safety examinations.

Administration

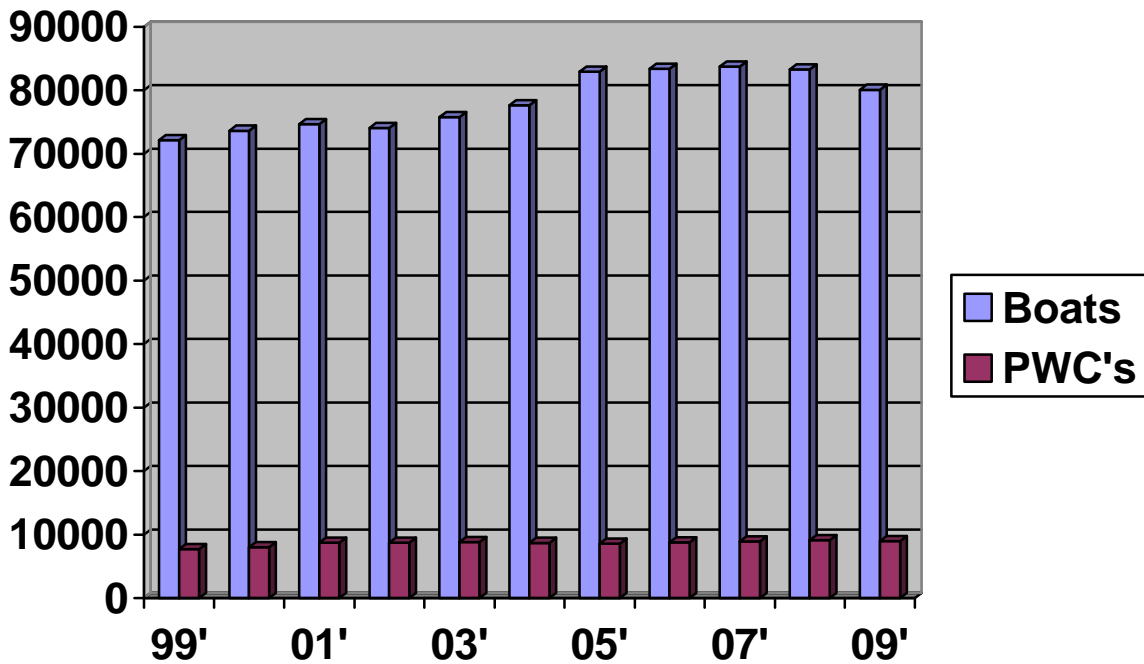
Boat registration is accomplished by the County Treasurer of the county of residence of the owner. The County Treasurers then report the registrations to the Game and Parks Commission as the central repository. Nebraska became a state that requires titling of boats on January 1, 1997. The increase of boating registrations has been from 72,333 in 1997 to 80,089 in 2009, we experienced a slight decline in boat registrations this past year with a drop from 83,280 in 2008. Of particular interest is the increase in Personal Watercraft (PWC) registrations from 6,418 in 1997 to an estimated 9,000 in 2009. The national average of PWC registrations in 2008 was 10% of the total boat registrations. In Nebraska the PWC registrations make up about 11% of the total boat registrations. Nebraska ranks 38th nationally in total boat registrations. Partnerships with the Nebraska Department of Motor Vehicles and the County Treasurers continued in 2009 with advancements in registration fee remittances and on-line boat registration renewal. County Treasurers remit registration fees electronically directly to the State Treasurer with 92 of the Counties participating and the State Treasurer, in turn, deposits the registration fees directly into the Nebraska Game and Parks Commission Game Fund. One County continues to remit registration fees by way of warrant or check. The electronic method of direct deposit has allowed boating and agency staff considerable number of hours to be devoted to other tasks. In October 2001 we began allowing boat owners to renew their boat registrations online on the agency's website. The increase of this service has been gradual and in 2009 we completed 285 compared to 203 in 2008 203 boat registration renewals. The Nebraska Department of Motor Vehicles also added the service of on-line boat registration renewal in 2008. These changes provide staff time to be more concentrated on Boating Safety Education and provide a convenience for boat owners.

Part of the administrative duties includes recommendations to the Commission when it considers Administrative Rules and Regulation changes for boating. In 2009 no regulation changes were made. Twelve Marine Event Permits were issued in 2009 compared to 11 in 2008.

A United States Coast Guard grant was requested and approved for expenditures for boating safety to be reimbursed at a rate of 50%. As a result, the agency received over \$600,000 in grant monies to be deposited into the Game Fund. The USCG grant comes from federal taxes paid on motorboat fuel.

Nebraska Boat Registration A Ten Year History

Boats	72156	73638	74653	74053	75763	77637	82918	83385	83722	83280	80089
PWC	7716	8041	8750	8745	8833	8702	8574	8796	8944	9125	9000
	99'	00'	01'	02'	03'	04'	05'	06'	07'	08'	09'



Law Enforcement

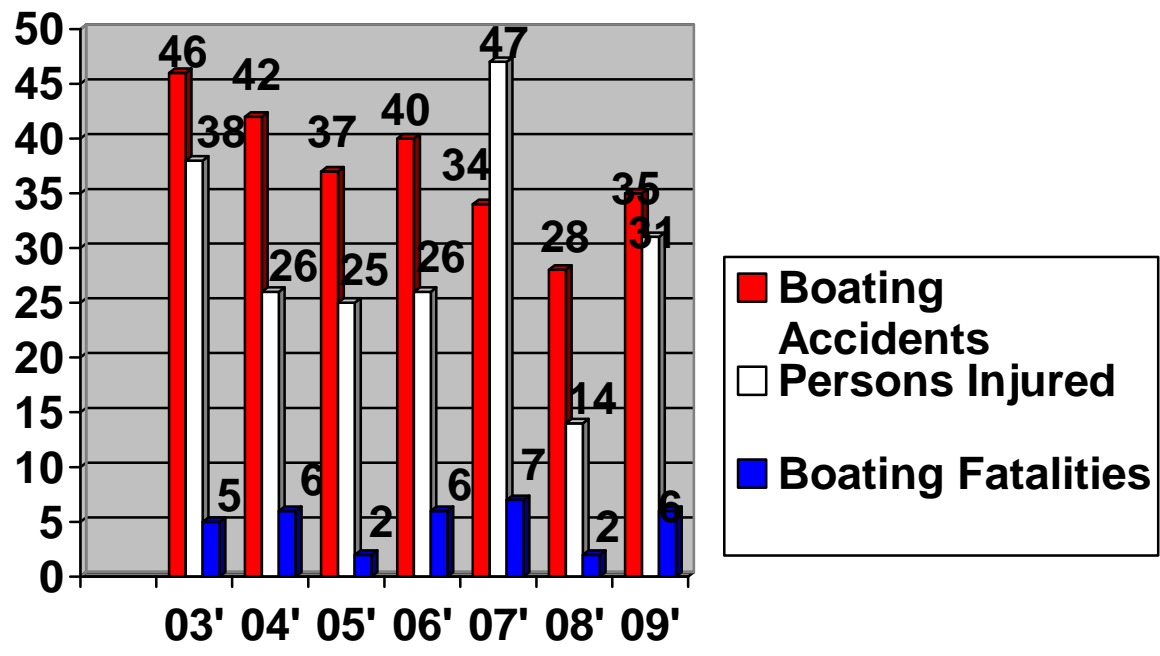
Law enforcement officers from various agencies enforce boating laws, including City and County officers. Game and Parks Commission Conservation Officers perform approximately 98% of the boating law enforcement efforts throughout the State.

The Boating Law Administrator and two Boating Safety Officers stepped up boating law enforcement in 2009 by extra patrols on selected problem waters across the state. Assistance was also provided with boat accident investigations. Many of the agency officers participated in a national effort to curb boating under the influence by working on selective enforcement patrols under the national banner of Operation Drywater.

The U.S. Coast Guard and the American Red Cross have estimated that only 10-15% of the non-fatal accidents that occur are reported to state programs due to ignorance of the reporting law or difficulty enforcing the law. The reporting of minor property damage accidents is especially low. However, we believe that all fatal and a vast majority of serious injury boating accidents in Nebraska are reported.

2009 proved to be a challenging year in boating safety. Boating accidents have been tracked since 1965 and Nebraska averages about five boating related fatalities annually. This year six boating related fatalities were reported. There were 35 accidents reported in 2009 (28 in 2008) involving 45 boats (37 boats in 2008), causing 31 persons with personal injuries requiring medical assistance (14 in 2008), and 6 fatalities (2 in 2008). At least one personal watercraft was involved in 7 of the 28 accidents representing 25%. Of the 44 boat operators involved in the 35 accidents only 6 indicated they completed the Nebraska Boating Safety course and 38 advised they have received no formal boating safety education. No persons involved in any of the fatality accidents were found to have completed any formal boating safety education. In three fatalities, the cause of death was drowning, and they probably would have survived if they were wearing their life jackets. Our conclusions are: lifejackets save lives, boating safety course graduates appear to be safer boaters, boating and alcohol is a bad mix, and boat registrations appear to be a consistent trend of boating accidents in the State. A summary of the reported boat accidents is attached to this report.

Highlights in 2009 of boating law enforcement indicate lower activity believed to be caused by economic cutbacks and a wet Spring causing a later start in the traditional 'boating season.' Participation by Boating Law Administrator Herb Angell, Boating Safety Officers Daryl Teter and Scott Eveland was active in the investigation of 11 of 27 accidents that were formally investigated.



Nebraska

2010 Reported Boating Accidents

Rev. 09/30/04

D = # of boats damaged I = # of injuries F=fatality accident #	PWC's (at least one PWC involved)			All others (no PWC involved)			Body of Water	Brief description of accident	Date	Accident Investigated?
	D	I	F	D	I	F				
1033001				1			Sherman County Reservoir	A 45 year old male grounded his and it sank. \$750 damage to the boat	4/5	No
1033002						1	Fremont State Lakes/Lake #20	72 year old John Husar Jr., fell from his boat and drowned. He was not wearing a lifejacket	4/17	NGPC Dan Roberts, Tom Zimmer, Dodge Co. Deputies Poole, Schafer
1033003				1			Johnson Lake	A 51 year old male was operating his boat when the engine died. High winds pushed the boat into the dam causing +\$3500 damage	4/25	No
1033004				1	3	1	\ Sherman Co. Reservoir	34 year old Bennie Wright died as a result of trauma when he drove his boat into the dam. A 20 year old and 18 year old female were injured, as was a 24 year old male. The boat was totaled at \$16,600. No one was wearing a lifejacket. Wright's BAC was .21	5/17	NGPC Daryl Teter, Jeff Jones, Sherman Co Sheriff Janulewicz, NSP
1033005				1	1		Platte River/Cass County	A 60 year old male airboat operator drove his boat over a sandbar and it stuck a tree. He suffered broken bones and \$7500 damage to his boat.	5/23	NGPC Levi Krause
1033006		1		2	1		Missouri River MM 732, Dakota County	A boat operated by a 30 year old male collided with a drifting boat operated by a 48 year old male. An 18 year old female was injured and the 30 year old was cited for negligent boat operation. Damage to both boats total + \$33,000.	5/29	NGPC Corey Krause, Dakota Co. Deputy Junge
1033007				1			Johnson Lake	A 28 year old male boat operator sank his boat due to mechanical malfunctions. Total loss at \$3,000	5/30	NGPC Ray Dierking
1033008					1		Lake McConaughy	A 30 year old male tuber was injured when he fell from his tube. Boat was operated by a 51 year old male. Tuber was wearing a lifejacket.	6/19	NGPC Scott Eveland
1033009				1		1	Wagon Train SRA	29 year old Amos Prochasta drowned when his boat capsized and he was thrown overboard. He was not wearing a lifejacket.	6/19	NGPC Doug Kramer, Herb Angell, Russ Mort, Dina

								Boat was a total loss at \$2,000.		Barta, Duane Arp, Stacy Lewton
1033010	2	1					Conestoga SRA	A PWC operated by a 49 year old female collided with a PWC operated by a 51 year old female injuring the 51 year old. Damage to both PWC totals +\$1,000. The 49 year old was cited for negligent boat operation.	6/26	NGPC Doug Kramer, Herb Angell
1033011				2	1		Missouri River Cedar County near Gavins Pt.	A boat operated by a 41 year old male collided with a drifting boat operated by a 31 year old male. An 11 year old male suffered a broken shoulder. Damage to both boats total +\$5,000	6/21	No
1033012				2			Lake McConaughy	A boat operated by a 43 year old male collided with a boat operated by a 66 year old male. Damage to both boats total +\$1600	7/3	NGPC Scott Eveland
1033013		1					Woodcliff Lakes, Saunders County	A 17 year old male fell from the rear of a PWC operated by a 19 year old female. The male suffered a torn rectum from the force of the water through the steering nozzle.	7/5	Woodcliff George Wolsleben
1033014						1	Calamus Reservoir	53 year old Troy Nutter drowned when he fell from his boat while fishing. He was not wearing a lifejacket.	7/11	NGPC Daryl Teter, Loup Co. Deputy Kraus
1033015		1					Fremont State Lakes, Lake #10	A 33 year old male PWC operator collided with a 48 year old PWC operator causing injury to the 33 year old. Both were wearing lifejackets.	7/11	Dodge County Deputy Sheriff Wilkinson
1033016				1			Harlan County Reservoir	A 58 year old male boat operator drove his boat into shallow water causing +\$1,000 damage	7/24	No
1033017		1					Fremont State Lakes/Victory Lake	A 51 year old male PWC operator ran into a 27 year old male swimmer causing a broken nose and bruises.	8/1	NGPC Dan Roberts
1033018					1		Lake McConaughy	A 42 year old male boat operator was pulling a 15 year old female on a tube when she fell off and injured her shoulder and back. Female was wearing a lifejacket.	8/3	NGPC - Scott Eveland
1033019				1			Johnson Lake	A 31 year old male boat operator was unable to start his engine and the wind blew his boat into the dam causing +\$500 damage	8/5	NGPC Mike Thome
1033020						1	Elkhorn River in Douglas County	18 year old Grant Hoefener drowned while tubing the river. Alcohol was a contributing factor. He was not wearing a lifejacket.	8/6	NGPC McKeehan, Douglas Co. Sheriff office
103021		1					Lake McConaughy	A 19 year old male PWC operator was pulling a 15 year old female when she fell from a tube and cut her lip and above her eye. She was wearing a lifejacket.	8/7	No
1033022		1					Jeffrey	A 17 year old female PWC operator lost control and	7/2	NGPC - Scott

						Reservoir	crashed her PWC into a tree. Damage \$2,500. She was wearing a lifejacket but was underage operatr		Eveland
1033023				1	2	Missouri River Douglas County	A 41 year old male boat operator was attempting to dodge some floating logs when he and a 38 year old female were injured from being flung around inside the boat. The boat sustained \$500 damage. No lifejackets in use.	8/28	Douglas County Sheriff's Deputy Denise Rieder
1033024				1	3	Missouri River MM 686.2 Burt County	A 60 year old female boat operator ran aground on the river bank injuring her, a 47 and a 53 year old female. Damage to the boat was \$3,000. No lifejackets in use.	8/28	NGPC Cory Krause and Burt County Sheriff Deputy Smith
1033025					1	Lake Ski Di, Woodcliff Lakes	A 22 year old male nearly drowned when he fell from a boat driven by a 20 year old female. Alcohol in victim was contributing circumstance. No lifejackets were in use.	8/28	Woodcliff Security Wolsleben, Saunders County Sheriff Dept.
1033026	1			1		Swanson Reservoir	A boat operated by a 47 years male collided with a PWC operated by a 19 year old male. The PWC was doing tight circles and came into the path of the boat. \$1,000 damage to PWC, \$2,500 to boat.	9/5	NGPC Dirk Greene
1033027						1 Johnson Lake	48 year old Michael Mannlein drowned when he fell out of his boat while fishing. His BAC was .24 and he was not wearing a lifejacket	8/9	NGPC Thome, Dawson Co. Sheriff's Dept.

Boater Education

The Boater Education Program is mandated by statute in Nebraska Law Section 37-1241.06 requiring the Commission to provide Boater Education. All persons under 18 years of age must successfully complete the course to legally operate any motorized boat in Nebraska.

We administer the Nebraska Boating Law and Boater Education Program assuring that an adequate number of classes are taught by volunteer instructors. Since the change in statute requiring certification for those under 18, the number of students completing a boater education course has grown from an average of 300 per year to 1,340 in 2009. This increasing trend is anticipated to continue and we are unable to predict future growth due to limited history.

Currently there are approximately 250 active instructors that offer boating safety classes statewide. To meet the demand, we continue to build our corps of volunteers and we anticipate the numbers to grow as boat registrations increase. We distribute education materials such as manuals, videos and brochures to instructors and the annual Boating Guide to constituents.

Boat registrations have remained steady for a total of approximately 84,000. The average annual increase is usually personal watercraft being the largest area of growth. County Treasurers issue registrations and we partner with the Department of Motor Vehicles streamlining the administration and distribution of registration.

In 2008, there were two fatalities and 14 personal injuries requiring medical attention that were related to boating accidents. In 2009, there were six fatalities and 31 personal injuries that required medical attention. So far, in 2010 we have had 6 boating fatalities and 19 injuries that require hospital attention. Our primary goal is to reduce accidents and fatalities through enhanced and expanded boating safety education.

Objective 1: Provide an adequate number of classes each year to meet the statutory program requirements and reasonable public demand.

Action Plan:

1. Recruit and train adequate replacement volunteer instructors to ensure the instructor core remains sufficient to meet needs for classes.
2. Provide program class scheduling and notification oversight and support. Advertise scheduled classes.
3. Compile boat accident and fatality statistics to verify successful impact of the Boating Safety Program.
4. Expand our participation in the Safe Kids Nebraska program and other like-minded organizations to help introduce youth to safe boating.

Objective 2: Provide appropriate and adequate program oversight and support to meet Boating Safety Program goals and boat registration requirements.

Action Plans

1. Procure and distribute adequate program teaching and support materials to meet program training needs.

2. Provide statewide leadership and coordination to administer the Boating Safety Program.
3. Oversee and plan for program enhancements as need and opportunity require as addressed in the long-range agency plan.
4. Provide annual training to all volunteer instructors relating to program goals and objectives, instructional materials and teaching skills.
5. Coordination and support of County Treasurers and the Department of Motor Vehicles to ensure appropriate boat registration procedures and availability.

Objective 3: Expand boating safety education to provide education to all motorboat operators.

- Action Plans
1. Provide the necessary information to the Legislature to better understand the need for mandatory education.
 2. Provide a plan to phase in education for all boat operators through a five year plan.
 3. Provide information for mandatory boating safety education for a 'born after' date and compare information with other states.



Nebraska Game and Parks Commission

2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641 • Fax: 402-471-5528

Testimony in support of LR 491

To: The Natural Resources Committee

From: Herb Angell, State Boating Law Administrator, Nebraska Game and Parks Commission

Date: October 29, 2010

Senator Langemeier, members of the Natural Resources Committee:

Good afternoon. My name is Herb Angell, I am the State Boating Law Administrator and I am employed by the Nebraska Game and Parks Commission. I have been the boating law administrator since 1996. I appear here today in support of mandatory boater safety education in our state for all motorboat operators as suggested in Legislative Resolution 491.

2010 Legislative Proposal Nebraska Mandatory Boating Safety Education

I. Summary of Issue

Currently 37-1241.06, Nebraska Statutes, requires persons 17 years of age and younger to carry proof of completion of a boating safety course when operating motorboats, including personal watercraft. Since its enactment in 2003, the number of operators within the affected age group who were involved in reportable boating accidents has declined from greater than 19% in 2002 to 7% in 2003, 2004, and 2006. 15% in 2005 and 2009, and 10% in 2007 and 2008.

Unfortunately, Nebraska's fatal boating accidents have been claiming increasing numbers of lives each year. Both the U. S. Coast Guard and other states have released information or reports that show a correlation between increased boating safety education, especially among older operator age groups, and lower accident and fatality rates.

Annually, Nebraska Game and Parks Commission Administration has been presented facts about Nebraska's boating fatality statistics, reports on boater education effectiveness, and the need to reverse the boating fatality trend in

our state. With a goal of reducing boating accidents, injuries, and fatalities while improving basic boating knowledge among Nebraska's boating population, it is recommended that the Nebraska Game and Parks Commission pursue legislation to require boating safety education for all boat operators using either a quick phase-in method or a "born after" date.

This proposal is a result of boat accident statistical analysis and informal discussions of the issue with various stakeholders. Under the quick phase-in method, by the year 2014 this legislation will require all boat operators to take a boating safety course and obtain proof of course completion in order to operate a motorboat, including personal watercraft. The initial affected group would be operators 25 and under in 2011 and would increase in 10-year increments annually through 2014. Boat operators over age 55 years of age would be exempt.

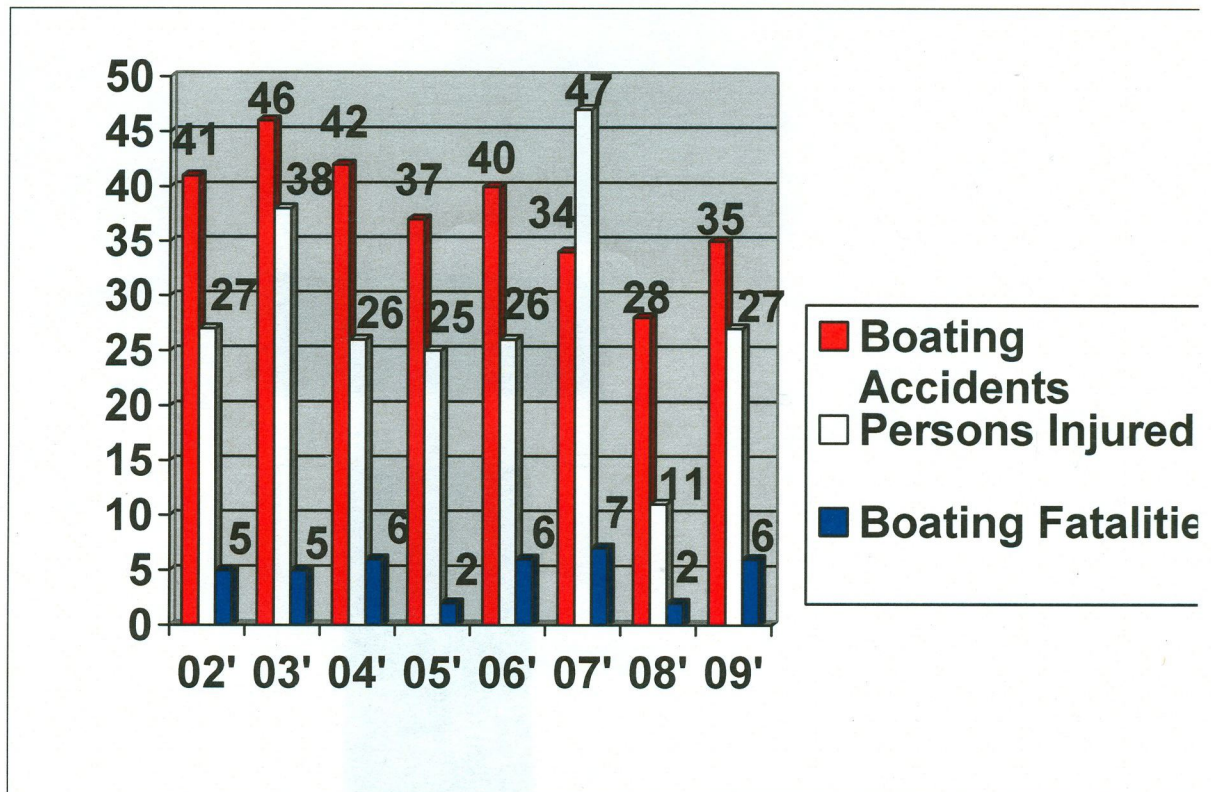
Year	2011	2012	2013	2014
Age under	25	35	45	55

The second option would be to mandate boater safety education for all boat operators born after 12/31/1987. The present law was enacted in 2002 for all operators age 14-18, therefore those born in 1988.

II. Substantive Analysis

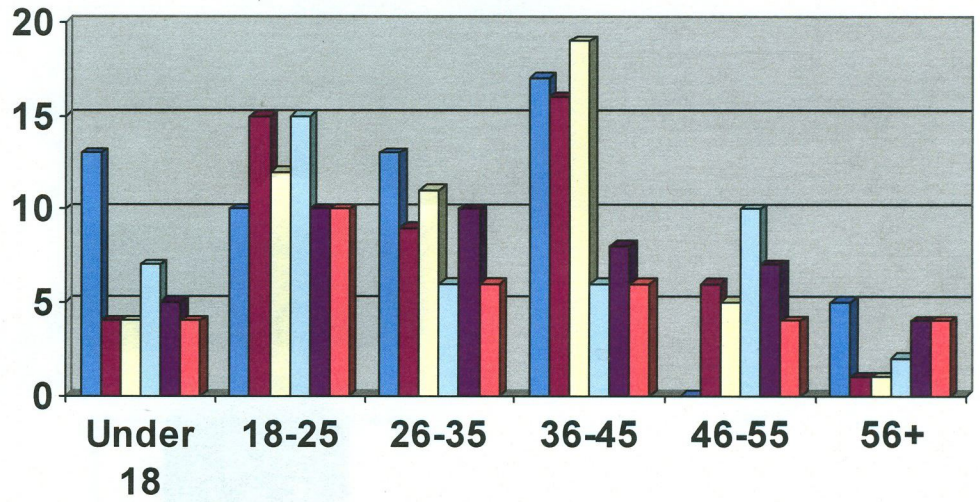
A. Present Situation

One benchmark upon which boating safety efforts are measured, both at the national and state levels, is the annual number of recreational boating fatalities. Boating fatalities reported in Nebraska during 2009 remain consistent with the previous ten-year period, while boat registrations have gradually increased. Although most other states have been experiencing declining fatality numbers for the past several years, Nebraska's fatality trend continues to remain constant. Fatality and accident trends are depicted in the following graph:



It is apparent that boating fatalities in Nebraska are not declining. The people involved in boating accidents and fatalities are not primarily young, inexperienced boat operators. Boat operators involved in boating accidents are most often adults (18 years of age and older), and have no formal boating safety education. This fact is even more evident in Nebraska's boating accidents involving at least one fatality. The statistics show that simply having more hours of boating "experience" does not equate to reduced risk of having an accident.

In the past eight years literally all the boat operators in boating fatality accidents report that they have received no formal boating safety education.



■ 2002
 ■ 2003
 ■ 2004
 ■ 2005
 ■ 2006
 ■ 2007

Boating accidents are most often caused by operator-controllable factors, such as carelessness, inattention, navigation rule violations, poor choices during bad weather, inexperience, and consuming alcohol. The boating safety education courses addressing both state and national standards cover these topics in detail. Without some form of boating safety education requirement, boat operators are likely to never be exposed to the critical information necessary to properly identify areas of greatest risk and avoid potential problems on the water.

Education Effectiveness

Boating safety education requirements vary considerably around the nation. The following provides an overview of boating safety education requirements for the states and territories:

- All ages by a certain date -- 6 States/Territories (AL, CT, OR, WA, DC, and NJ)
- All ages PWC only -- 2 States (ID and NY)
- Born after date (all different dates) -- 18 States/Territories (AR, DE, KS, LA, MD, MS, MO, NV, NH, NM, PA, OH, TN, VT, WV, WI, USVI, PR)
- PWC children education (all different ages) -- 7 States -- (IA, MN, NC, RI, UT, VA, MA)
- Education children (all different ages) --13 States (CO, FL, GA, IL, IN, KY, MI, MT, NE, ND, OK, SC, TX)
- No education requirement-- 10 States/Territories (NMI, GU, AS, SD, WY, ME, HI, AK, AZ, CA)

Current Nebraska law is unlikely to extend basic boating safety education to a broad segment of the target audience, especially those who begin operating a boat when 18 or older.

Based on recent research published in a draft report titled, "A Comparative Analysis of Recreational Boating Policies: Quick Phase-In Education vs. Other Educational Policies," individual states with requirements for all boat operators, regardless of age, to be properly educated over a short period of time have experienced significant and sustained reductions in boating fatalities. Two states with a quick phase-in of education for all boaters (Alabama and Connecticut) were contrasted with their bordering states and the rest of the nation.

The research established that states which have elected to implement a quick phase-in education requirement have shown a greater improvement in their fatal accident rate (number of fatal accidents per 100,000 registered vessels) when compared to the rest of the United States. The research further predicts that states that implement quick phase-in requirements could first expect normal fluctuations in the fatal accident rate. After the quick phase-in period, the fatal accident rate would decline for a few years before leveling off at a value that is approximately 25-percent lower.

Requests for Change to Current Law

We have observed a continuing trend relating to public demand for increased requirements for boater education requirements for many years. Staff frequently responds to public email and telephone inquiries about Nebraska's lack of education/licensing requirements for the entire boating population. Although boat operator licensing and boater education are often used synonymously by the public, the issue being brought for consideration only addresses the need for improved boating safety education.

A. Effect of Proposed Changes

This proposal would eliminate the 17-and-under "cap" in Nebraska's current boater education law and establish a phase-in period (four years) which would culminate in boat operators of all ages being required to show a Nebraska Boater Education Card as proof of successful completion of a boater education course while operating a motorboat, including personal watercraft. Based on recent research published in a draft titled, "A Comparative Analysis of Recreational Boating Policies: Quick Phase-In Education vs. Other Educational Policies," Nebraska could expect a reduction in boating accidents and fatalities. The data suggests that Nebraska could first expect normal fluctuations in the fatal accident rate, followed by a declining rate that levels off to an approximately 25 percent lower fatal accident rate. If Nebraska experiences this level of fatal accident reduction, we could anticipate saving of at least one life annually (based Nebraska's most recent boating accident statistics).

The boating public has two options for obtaining a qualifying course under the proposal. NGPC currently offers a home-study review and test out option and a six hour boating safety class. We currently have about 125 active volunteer instructors.

One additional anticipated benefit to the boating public is a reduction in boat insurance premiums. Many insurance companies offer a 10% to 15% discount on boat insurance for those who have taken a safe boating course, and Nebraska's approved courses qualify.

When renting to a person within the affected age group, boat rental businesses will need to ensure that renters meet the new education requirement.

No fiscal impact anticipated. The \$10 fee associated with boating safety education course is already authorized in law, a fee increase to \$15 is requested.

PROPOSED LANGUAGE

Quick phase-in option:

37-1241.06. Personal watercraft; age restrictions; boating safety course; fee.

(1)(a) No person under fourteen years of age shall operate a motorboat or personal watercraft on the waters of this state.

(b) No person under sixteen years of age shall operate a motorboat or personal watercraft on the waters of this state with an individual in tow behind the motorboat or personal watercraft.

(2) Effective May 1, 2000, and until January 1, 2004, a person under sixteen years of age shall not operate a motorboat or personal watercraft on the waters of this state unless he or she has successfully completed a boating safety course approved by the commission and has been issued a valid boating safety certificate.

(3) Effective January 1, 2004, a person under eighteen years of age shall not operate a motorboat or personal watercraft on the waters of this state unless he or she has successfully completed a boating safety course approved by the commission and has been issued a valid boating certificate. This section applies:

(a) until January 1, 2011 for persons under age 25,

(b) until January 1, 2012 for persons under age 35,

(c) until January 1, 2013 for persons under age 45,

(d) until January 1, 2014 for persons under age 55,

(f) this section does not apply to persons born prior to January 1, 1954.

(4) The commission may charge a fee of no more than ~~ten~~ fifteen dollars for a boating safety course required by this section.

Laws 1999, LB 176, § 107; ; Laws 2003, LB 305, § 22. ;

Source:

"Born After" option:

Section 37-1241.06

Personal watercraft; age restrictions; boating safety course; fee.

(1)(a) No person under fourteen years of age shall operate a motorboat or personal watercraft on the waters of this state.

(b) No person under sixteen years of age shall operate a motorboat or personal watercraft on the waters of this state with an individual in tow behind the motorboat or personal watercraft.

~~(2) Effective May 1, 2000, and until January 1, 2004, a person under sixteen years of age shall not operate a motorboat or personal watercraft on the waters of this state unless he or she has successfully completed a boating safety course approved by the commission and has been issued a valid boating safety certificate.~~

~~(3)~~ (2) Effective January 1, 2004, a 2010, no person under eighteen years of age born after December 31, 1984 shall not operate a motorboat or personal watercraft on the waters of this state unless he or she has successfully completed a boating safety course approved by the commission and has been issued a valid boating certificate.

~~(4)~~ (3) The commission may charge a fee of no more than ~~ten~~ fifteen dollars for a boating safety course required by this section.

Source:

Laws 1999, LB 176, § 107

Laws 2003, LB 305, § 22



PO Box 80771, Lincoln NE 68501-0771
www.nebraskalakes.org

Testimony in support of LR 491

To: The Natural Resources Committee

From: Mike Dodge, Secretary/Treasurer, Nebraska Lakes Association Board of Directors

Date: October 29, 2010

Senator Langemeier, members of the Natural Resources Committee:

Good afternoon. My name is Mike Dodge. I am a member of the Board of Directors of the Nebraska Lakes Association. I appear here today in support of mandatory boater safety education in our state for all motorboat operators as suggested in Legislative Resolution 491.

The Nebraska Lakes Association is a nonprofit organization created in 1997 to provide a networking and educational resource for lake residents in our state. We are incorporated under the laws of the State of Nebraska and currently represent 32 privately owned lakes with over 5,000 families that either own cabins or year-round homes on these lakes. We extend memberships to lake associations and individuals that are interested in the betterment of their lake community.

Nebraska Lakes Association's primary goals are to permit private lake associations to enforce safety rules on their lakes which go beyond the general Nebraska boating regulations, and to improve the watercraft and water sport safety on private lakes. Our mission is to provide a forum for information and resources to educate members so their lake experience is safe, healthy and enjoyable.

Boating safety, lake water quality and rule enforcement are among the issues we address on an ongoing basis. Due to the importance of this issue, many of our individual lake associations have already begun implementing mandatory boater education for all boat operators on their lakes.

As an additional level of showing our commitment, in 2009 our membership passed a resolution to support and encourage the timely implementation of legislation for mandatory boating safety education for all Nebraska boat operators. The resolution is attached to your copy of this testimony.

Mike Dodge

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**Nebraska Lakes Association
Resolution 2009-1**

**Support for, and urging of, mandatory boating safety education for all
powerboat and personal watercraft operators regardless of age**

WHEREAS, the Nebraska Lakes Association is a non-profit organization dedicated to addressing the issues private lake associations manage, from boating concerns to environmental issues.

WHEREAS, the Nebraska Lakes Association mission is to provide a forum for information and resources to educate members so their lake experience is safe, healthy and enjoyable.

WHEREAS, several Nebraska Lake Association member lakes presently require, by covenant, boating safety education for all members and their guests.

WHEREAS, four of the most recent eight Nebraska boating fatalities have occurred on residential lakes.

WHEREAS, the State of Nebraska averages five boating fatalities per year since 1965.

WHEREAS, several boating safety organizations including the U.S. Coast Guard and it's Auxiliary, the U.S. Power Squadron, the National Association of State Boating Law Administrators, the National Marine Manufacturers Association, the National Transportation Safety Board, and many others have endorsed and encourage mandatory boating safety education for powerboat operators of all ages.

WHEREAS, the latest U.S. Coast Guard Auxiliary resolution cites continuing evidence that indicates approximately 80 percent of fatalities occur on boats whose operators have not received any form of boating safety education. Moreover, statistics indicate that the average age of someone involved in a boating fatality is around 38 years old, and thus, those states that require mandatory classes for younger boaters have seen little or no impact on their boating fatality statistics.

NOW BE IT THEREFORE RESOLVED, that the Nebraska Lakes Association, representing 29 residential lakes with thousands of residents, on October 18, 2009, at their annual conference at Mahoney State Park, Ashland, Nebraska, does hereby support and encourage the timely implementation of legislation for mandatory boating safety education for all Nebraska boat operators.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Rex Amack, Nebraska Game and Parks Commission Director for his consideration and further action.

Woody Thelin, President
October 18, 2009