**A** **BILL**

TO AMEND SECTION 50‑21‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO PROHIBIT A PERSON BORN AFTER JUNE 30, 2006, FROM OPERATING A PERSONAL WATERCRAFT, SPECIALTY PROPCRAFT, OR VESSEL UNLESS HE HAS COMPLETED A BOATING SAFETY AND EDUCATION COURSE, TO REQUIRE THAT A PERSON MUST HAVE A CERTIFICATE OF COMPLETION ON HIS PERSON OR ON BOARD THE VESSEL, AND TO PROVIDE A PENALTY; AND TO AMEND SECTION 50‑21‑870, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO REMOVE THE LIMITATION ON THE OPERATION OF A PERSONAL WATERCRAFT, SPECIALTY PROPCRAFT, OR VESSEL BY A PERSON YOUNGER THAN SIXTEEN YEARS OF AGE WITHOUT BEING ACCOMPANIED BY AN ADULT OR COMPLETING A BOATING SAFETY COURSE.

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

SECTION 1. Section 50‑21‑90 of the 1976 Code is amended to read:

“Section 50‑21‑90. ~~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.~~

(A) No person born after June 30, 2006, may operate a personal watercraft, specialty propcraft, or vessel equipped with a greater than fifteen horsepower engine upon the waters of this State unless the person completes a boating safety and education program administered or approved by the Department of Natural Resources.

(B) A person required to have completed a boating safety education program pursuant to this section must have a certification of completion on his person or on board the personal watercraft, specialty propcraft, or vessel while operating the personal watercraft, specialty propcraft, or vessel and must provide it and a government‑issued photographic communication to any authorized law enforcement officer when requested. A person may provide proof of certification by use of a mobile electronic device.

(C) The Department of Natural Resources shall promulgate regulations relating to boating safety and education programs administered by the department or subject to its approval.

(D) A person who violates this section is guilty of a misdemeanor and, upon conviction, must be fined not less than fifty dollars but not more than three hundred dollars.”

SECTION 2. Section 50‑21‑870(B)(9) of the 1976 Code is amended to read:

“~~(9)(a)~~ ~~operate a personal watercraft, specialty propcraft, or vessel if he is younger than sixteen years of age, unless accompanied by an adult, eighteen years or older, who is not under the influence of alcohol, drugs, or a combination of them. However, a person younger than sixteen years of age may operate a personal watercraft, specialty propcraft, or vessel without being accompanied by an adult if one or more of the following applies:~~

~~(i)~~ ~~the person completes a boating safety program as administered by the Department of Natural Resources; or~~

~~(ii)~~ ~~the person completes a boating safety program approved by the Department of Natural Resources;~~

~~(iii)~~ ~~anyone operating a vessel with less than fifteen horsepower engine will not be required to take the boating safety program.~~

~~(b)~~ ~~It is unlawful for a person who has temporary or permanent responsibility for a child to knowingly or wilfully violate item (9) of subsection (B).~~

~~(c)~~ ~~The Department of Natural Resources shall promulgate regulations relating to boating safety programs administered by the department or subject to its approval.~~”

SECTION 3. This act takes effect July 1, 2022.

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