~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 12, 2021

**H. 3308**

Introduced by Reps. Huggins, Hill, Forrest, Caskey and Hixon

S. Printed 5/12/21--S.

Read the first time March 16, 2021.

**A** **BILL**

TO AMEND SECTION 50‑21‑870, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO INCREASE DISTANCE LIMITS BETWEEN A WATERCRAFT OPERATING IN EXCESS OF IDLE SPEED UPON CERTAIN WATERS OF THIS STATE AND A MOORED OR ANCHORED VESSEL, WHARF, DOCK, BULKHEAD, PIER, OR PERSON IN THE WATER.

Amend Title To Conform

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

SECTION 1. Section 50‑21‑10 of the 1976 Code is amended by adding two appropriately numbered new items to read:

“( ) ‘Narrow waterway’ means a segment of the waters of this State that is two hundred feet or less in width.

( ) ‘Wake surf’ means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.”

SECTION 2. Section 50‑21‑870(B)(6) of the 1976 Code is amended to read:

“(6)(a) operate a personal watercraft, specialty propcraft, or vessel while upon a narrow waterway in excess of idle speed within fifty feet of a moored or anchored vessel, wharf, dock, bulkhead, pier, or person in the water; or

(b) operate a personal watercraft, specialty propcraft, or vessel while upon ~~the~~ all other waters of this State in excess of idle speed within ~~50~~ one hundred feet of a moored or ~~an~~ anchored vessel, wharf, dock, bulkhead, pier, or ~~a~~ person in the water, or within ~~100~~ one hundred yards of the Atlantic Ocean coast line. The prohibitions contained in this item ~~(6)~~ do not apply to an unoccupied, moored vessel or watercraft or to a person behind a vessel or watercraft who is on water skis or a floating device with the permission of the operator of the vessel or watercraft;

(c) The provisions of this item do not apply to Lake Moultrie.”

SECTION 3. Section 50‑21‑870(B) of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) wake surf in excess of idle speed within two hundred feet of a moored vessel, wharf, dock, bulkhead, pier, or person in the water.”

SECTION 4. A Section 50‑21‑10 of the 1976 Code is amended by adding an appropriately numbered new item to read:

“( ) ‘Personal watercraft’ means a vessel, usually less than sixteen feet in length, that uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull. Personal watercraft include a vessel commonly known as a ‘jet ski’.”

B. This SECTION takes effect July 1, 2022.

SECTION 5. A. Section 50‑21‑90 of the 1976 Code is amended to read:

“Section 50‑21‑90. (A) ~~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.~~ The department must administer a boating education course and may approve of additional boating education courses. A list of approved courses must be provided on the department’s website.

(B) The following persons must be provided a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boating safety certificate, or an equivalency, by another state; and

(3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard.”

B. This SECTION takes effect July 1, 2022.

SECTION 6. Article 1, Chapter 21, Title 50 of the 1976 Code is amended by adding:

“Section 50‑21‑95. (A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater, a personal watercraft, or a specialty propcraft without having possession of a South Carolina boating safety certificate issued by the department in the person’s name, unless the person:

(1) was born on or before July 1, 2006;

(2) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person’s name, regardless of the expiration date on the license;

(3) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person’s name, regardless of the expiration date on the credential;

(4) is a nonresident in possession of a boating safety certificate, or an equivalency, issued by another state in the nonresident’s name;

(5) is exempt pursuant to a regulation promulgated by the department; or

(6) is accompanied by a person at least eighteen years old who:

(a) is in possession of a South Carolina boating safety certificate issued by the department in the person’s name; or

(b) meets one of the criteria in items (1) through (5) of this subsection.

(B) A person who is adjudicated to be in violation of this section must be fined not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED.”

B. This SECTION takes effect July 1, 2022.

SECTION 7. A. Section 50‑21‑870(A)(1) of the 1976 Code is deleted.

B. This SECTION takes effect July 1, 2022.

SECTION 8. A. Section 50‑21‑870(B)(9) of the 1976 Code is deleted.

B. This SECTION takes effect July 1, 2022.

SECTION 9. Unless otherwise provided, this act takes effect upon approval by the Governor.

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