



# U. S. COAST GUARD

## INFORMATION SHEET



### ***EDUCATION REQUIREMENTS, OPERATOR PROFICIENCY STANDARDS, AND LICENSING REQUIREMENTS FOR OPERATORS OF RECREATIONAL BOATS***

**ISSUE:** Role of the U.S. Coast Guard in education, operator proficiency standards, and licensing for recreational boat operators.

**BACKGROUND:** Recreational boat operator education and/or licensing requirements are issues being considered by many States throughout the nation. Currently (Jun 06), forty-six States and Territories require some form of mandatory education with licensing requirements in some States such as Alabama and New Jersey. While many of these requirements share similarities, no two are the same. The authority to mandate recreational boat operator education or licensing currently resides with each individual State. However, the Coast Guard is mandated to encourage uniformity of regulations and foster reciprocity between jurisdictions. The Coast Guard's authority to mandate operator licensing and education is currently restricted to commercial vessel operators.

**DISCUSSION:** In 1998 the National Boating Safety Advisory Council (NBSAC) passed a resolution requesting that the Coast Guard, in cooperation with the National Association of State Boating Law Administrators (NASBLA) and other boating organizations, develop a program to encourage and support adoption of mandatory education laws at the State level. In a cooperative effort made possible through the former Aquatic Resources (Wallop/Breaux) Trust Fund, the Coast Guard, NASBLA, Coast Guard Auxiliary, U.S. Power Squadrons, and other stakeholders developed minimum national standards for boating safety education that were published in September 1999, updated January 2005, and are used as the National Boating Safety Education Standards. These types of cooperative partnerships continue to be key principles for guiding the future of recreational boating safety. The Coast Guard continues to provide increased educational awareness through initiatives such as its national multi-year outreach initiative, "You're In Command. Boat Responsibly!" that advocates, along with our key boating safety principles, to take a boating safety course before a boater goes on the water. With boating accidents second only to vehicular accidents in transportation related fatalities, the National Transportation Safety Board has maintained Recreational Boating Safety on its Most Wanted Transportation Safety Improvements List with a recommendation to the States to require mandatory education of boat operators. In 2004, NBSAC passed a resolution advising the Coast Guard to seek statutory authority that would require that a boat operator, on waters subject to the jurisdiction of the United States, possess a certificate showing completion of an instructional course or its equivalent. In addition, the United Nations Economic Commission for Europe has forwarded UN Resolution No. 40 "International Certificate for Operators of Pleasure Craft", which is in effect a requirement for credentialing (licensing) of recreational boat operators within the jurisdiction of the signatories. The Coast Guard's Boating Statistics show on average that eighty percent (80%) of all reported fatalities occur on boats where the operator has not received boating safety instruction.

While the Coast Guard does not currently have the statutory authority to set education requirements, proof of proficiency, or licensing requirements for operators of recreational boats, it does strongly advocate that all boat operators be educated in accordance with the established National Boating Education Standards.

**Further, Section 46 U.S.C. 13101** encourages uniformity in boating safety efforts, which would foster better cooperation and reciprocity between Federal, State, and local enforcement agencies and help ensure uniform enforcement of laws across all bodies of water, regardless of jurisdiction.

APPROVED: 

DATE: JUL 17 2006

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Rear Admiral, U.S. Coast Guard



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### ***LIFE JACKET/PFD (PERSONAL FLOTATION DEVICE) WEAR***

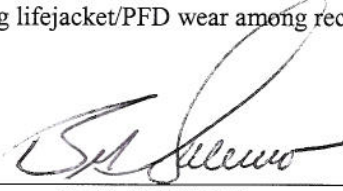
**ISSUE:** Increasing the wear rate of lifejackets/PFDs among the boating public to reduce the number of boating fatalities due to drowning.

**BACKGROUND:** Coast Guard regulations require that each recreational boat be equipped with an appropriate lifejacket/PFD for each person on board. However, many States have established laws or regulations further requiring that children, water-skiers, persons being towed behind a recreational vessel, and riders on personal watercraft wear appropriate lifejackets/PFDs. In June 2002, the Coast Guard promulgated its first regulations requiring boaters to wear lifejackets/PFDs, specifically children under thirteen years of age. Recreational boating accident statistics show that the proximate cause of death in over 70% of all boating accidents each year is drowning. Furthermore, approximately 85% of the drownings involve victims who were not wearing lifejackets/PFDs at the time of the drowning.

**DISCUSSION:** The Coast Guard's National Recreational Boating Safety Program has recognized that drowning is the major cause of recreational boating fatalities and has focused much of its efforts, through various initiatives, to attempt to increase the lifejacket/PFD wear rate among recreational boaters. In addition, the National Boating Safety Advisory Council (NBSAC) passed a resolution in 2004 recognizing the need to significantly increase the lifejacket/PFD wear rate. The Coast Guard believes that any initiatives – such as the introduction of inflatable lifejackets/PFDs or other technological improvement, or boater education campaigns that increase the lifejacket/PFD wear rate can avert recreational boating drowning fatalities. Statistically valid estimates of the lifejacket/PFD wear rate among boaters, such as the eight-year (1998-2005) study conducted by JSI Research & Training Institute, Inc., under a Coast Guard Boating Safety Grant show that lifejacket/PFD wear by adults on open motorboats, rowboats, and canoes less than 21' in length is minimal. The problem is similar to the history behind the wearing of seat belts in automobiles. It took a concerted effort on the part of the automobile and insurance industries, Federal and State enforcement agencies, and national safety organizations to significantly increase the wear rate of seat belts. As boaters continue to resist wearing lifejackets/PFDs, the Coast Guard continues to consider the need for, and effective alternatives to, requirements for those boaters statistically most at risk of drowning to wear lifejackets/PFDs.

The Coast Guard strongly encourages lifejacket/PFD wear at all times. The Coast Guard particularly advocates that those aboard a vessel less than 21 feet in length wear their lifejacket/PFD at all times while aboard such a vessel in order to increase their survival in a boating incident and unexpected entry into the water. The Coast Guard encourages any Coast Guard District, other Federal agencies, State or local jurisdictions voluntary initiatives directed at increasing lifejacket/PFD wear among recreational boaters.

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### ***BOATING UNDER THE INFLUENCE (BUI)***

**ISSUE:** The Coast Guard believes that alcohol involvement in recreational boating accidents is under-reported and remains a significant factor in recreational boating accidents and deaths.

**BACKGROUND:** Although fatalities have continued to show a downward trend, the number of fatal accidents reporting alcohol use as a primary contributing factor has remained constant at 16% of all fatalities. The Coast Guard published a final rule on December 14, 1987 that established behavioral standards of intoxication, chemical standards of intoxication by blood alcohol concentration (BAC) of .10% for recreational vessel operators, and an implied consent provision. On May 11, 2001, the rule revising the Federal BAC standard for recreational vessel operators from .10 to .08% became effective. The rulemaking also adopted any State BAC standard of intoxication that varied from the Federal BAC standard. In 1987, only 21 States defined "intoxication" or "under the influence" by BAC. Today, all 56 State and Territorial jurisdictions have BUI laws, and 33 have adopted a BAC standard for intoxicated operation at .08%.

**DISCUSSION:** The intent of the BUI regulations is to prevent and minimize the possibility that an intoxicated individual will operate a vessel, reduce the threat of harm to self and to others, and to discourage operating a vessel while intoxicated by processing cases under effective civil or criminal procedures.

**Section 46 U.S.C. 13101** encourages uniformity in boating safety efforts, which would foster better cooperation and reciprocity between Federal, State, and local enforcement agencies and help ensure uniform enforcement of laws across all bodies of water, regardless of jurisdiction.

APPROVED: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "B. M. Salerno".

B. M. SALERNO

Rear Admiral, U.S. Coast Guard

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### *PERSONAL WATERCRAFT*

**ISSUE:** An upward trend in the number of personal watercraft (PWC) in accidents involving children and adolescents when compared to other types of recreational vessels.

**BACKGROUND:** Since their introduction in the mid 1970's, PWC continue to enjoy a steady upward trend in use and popularity, especially among younger boaters. While the overall number of PWC in accidents and resulting injuries have shown a remarkable downward trend since 1996, children and adolescents are injured with greater frequency riding PWC when compared to other types of recreational vessels. In one year, 112 children under the age of 12 were injured on PWC. Lack of experience and excessive speed caused 60% of the accidents when the operator was less than 12 years of age. Twenty percent of these were operators in violation of State laws and manufacturers' recommendations. Additionally, 80% of these operators did not have formal training, and most PWC accidents occur in the first 20 hours of operation. Current estimates show over 1.48 million PWC are in use with an annual rider-ship of over twenty million Americans.

**DISCUSSION:** States have assumed the greater responsibility for regulating PWC operation. Currently, the majority of the States and Territories have adopted laws specifically aimed at PWC operation and that address one or more of the following: mandatory lifejacket wear, minimum operator age, prohibition of night operation, and prohibition of unsafe operation such as wake jumping within 100 feet of the vessel creating the wake, weaving through congested traffic, excessive speed, and operation too close to another vessel. PWC are recreational vessels as defined in 46 U.S.C. § 2101 and must command the same respect as any other vessel by its operator and fellow boaters. The Coast Guard worked with the National Association of State Boating Law Administrators (NASBLA) in the development of a Model Act for Personal Watercraft. The Personal Watercraft Industry Association (PWIA) has a similar model act and fully supports passage of such legislation. The industry has been sensitive to the negative perceptions regarding their product and has been very active in promoting PWC operator legislation, education and safety awareness.

A personal watercraft is a vessel and the operator must obey the Navigation Rules. Similarly, they retain all the privileges and responsibilities that accrue to other power driven vessels on the water. The Coast Guard strongly advocates basic boating safety instruction and education, especially for children, before riding a PWC. Supervising adults should be aware of all manufacturers' recommendations and local laws concerning PWC use by children. The Coast Guard further recommends that rental businesses provide basic boating safety instruction and education on the safe and prudent operation of the PWC or require proof of prior education before renting to anyone, and require renters to wear a personal flotation device (lifejacket).

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