



*Industry growth through Collaboration, Communication and Education*

June 6, 2017

Chairwoman Anne Gobi  
Joint Committee on Environment, Natural Resources & Agriculture  
State House Room 513  
Boston, MA 02133

Chairwoman Gailanne Cariddi  
Joint Committee on Environment, Natural Resources & Agriculture  
State House Room 36  
Boston, MA 02133

**Re: HB399 An Act relative to boater safety to be known as the David Hanson Act**

Dear Chairwoman Gobi, Chairwoman Cariddi, and Joint Committee Members:

Thank you for the opportunity to comment on HB 399, An Act relative to boater safety to be known as the David Hanson Act. The Massachusetts Marine Trades Association (“MMTA”) supports mandatory boater education, and greatly appreciates the effort made last legislative session by the Joint Committee on Environment, Natural Resources & Agriculture to consider MMTA’s comments on this bill. MMTA would again be grateful to work with the Joint Committee to make this bill workable and supportable by boaters and boating businesses.

Established in 1964, the Massachusetts Marine Trades Association (“MMTA”) is the statewide, non-profit, representative body for over 1,200 marine trades businesses in the Commonwealth. Our businesses employ over 27,000 men and women and generate over \$2.0 billion in direct and indirect annual economic activity for Massachusetts inland and on the coast. The mission of MMTA is to further the interests of the marine trades and the boating public through the promotion of boating, participation in legislation and professional improvement programs.

During the previous legislative session, MMTA offered its main points of concern regarding HB 4574 (the prior proposed David Hanson bill). Unfortunately, these concerns remain apparent in the current text of HB 399. The main points MMTA requires for support of the bill are listed below and underneath each point is any reference made within HB 399.

- **A six month grace period for buyers of a new boat.** The proposed four month grace period is not sufficient. Most new boats are purchased in April to use for the full boating season, which lasts until October, when marinas close down. A six month grace period

would allow the buyer an opportunity to use the new boat all season and then fulfil the application requirements of section 9F as proposed.

- Section 9F: An eligible person who is a resident of the commonwealth and has acquired new ownership of a motorboat that is registered by the commonwealth or documented by the United States Coast Guard, shall upon proper application to the director, be issued a one-time temporary boater safety certificate limited to the operation of the motorboat. A temporary boater safety certificate issued by the director shall expire 120 days from the date the new registration or documentation for the vessel issues. The director shall not issue a temporary boater certificate to a person who is under 18 years of age or has been issued a certificate under this section. No temporary boater safety certificate shall be extended or renewed.
- **Clarification on phased-in education requirements so older boaters don't have to certify.** The bill is ambiguous as to whether or not boaters born before January 1, 1961 must comply with the requirements of the bill. The bill should provide clarity on this issue so that boaters born before 1961 know exactly whether they need to apply for a certification or not.
  - Section 9D(d): No person who was born on or after the specified date shall operate a motorboat on the waters of the commonwealth unless the person complies with the boater safety educational requirements of this section, beginning on the respective dates as follows: (i) For persons who were born on and after January 1, 1989, beginning on January 1, 2019, and (ii) For persons who were born on and after January 1, 1961, beginning on January 1, 2021.
- **Offering many providers of a course, so a bureaucracy-heavy system does not develop.** The proposed bill gives the Director of law enforcement of the office of law enforcement a significant amount of authority and discretion to set standards for providers of the education courses and to approve such providers based on the standards.
  - Section 9I(b): The director shall establish by regulation a uniform standard for the approval and participation of providers of boater safety education courses and equivalency examinations for motorboat operators.
- **Add Section 9D(f)(viii), "A Graduate from the Marine Transportation Deck curriculum of a federally recognized Maritime Academy."** This will allow graduates to operate motorboats within the Commonwealth, even if they do not carry a valid boater safety certificate.

MMTA welcomes the opportunity to engage with the Joint Committee in discussions regarding the comments outlined above. If you have any additional questions or would like to discuss further, please contact MMTA Government Relations and Legal Counsel, Jamy Buchanan Madeja, at 617-227-8410 or [jmadeja@buchananassociates.com](mailto:jmadeja@buchananassociates.com).

Sincerely,

*Paul Nowak*

Paul Nowak, President  
Massachusetts Marine Trades Association