

107TH CONGRESS
1ST SESSION

H. R. 702

To encourage the safe and responsible use of personal watercraft, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. SAXTON (for himself and Mr. GILCREST) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To encourage the safe and responsible use of personal watercraft, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Personal Watercraft
5 Responsible Use Act of 2001”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) The growing popularity of recreational boat-
2 ing, including personal watercraft, has resulted in
3 increased numbers of boaters competing for limited
4 space, which leads to more boating accidents and a
5 diminished experience for all users.

6 (2) Personal watercraft are “thrill craft” that
7 are operated differently from other motorized boats,
8 are designed to be highly maneuverable at high
9 speeds, and are capable of operating at high speeds
10 in shallow areas that are typically inaccessible by
11 other motorized boats.

12 (3) Irresponsible operation of personal
13 watercraft poses a safety risk for untrained opera-
14 tors and other recreational users, and damages valu-
15 able aquatic habitat in shallow waters.

16 **SEC. 3. PURPOSES AND POLICIES.**

17 The purposes and policies of this Act are the fol-
18 lowing:

19 (1) To ensure the safe and responsible use of
20 personal watercraft in the Nation’s waterways.

21 (2) To protect sensitive shallow water habitat
22 that is important for many fish and wildlife species.

23 (3) To reduce conflicts among recreational
24 boaters by providing a forum for collaborative man-

1 agement efforts to develop innovative boating regula-
2 tions for overcrowded waterways.

3 (4) To provide Federal assistance to States to
4 improve the enforcement of recreational boating
5 laws.

6 **SEC. 4. DEFINITIONS.**

7 In this Act, the following definitions shall apply:

8 (1) **TERMS DEFINED IN COASTAL ZONE MAN-**
9 **AGEMENT ACT OF 1972.**—Each of the terms “coastal
10 state”, “coastal waters”, and “Secretary” has the
11 meaning given that term under section 304 of the
12 Coastal Zone Management Act of 1972 (16 U.S.C.
13 1453).

14 (2) **PERSONAL WATERCRAFT.**—The term “per-
15 sonal watercraft” means a motor vessel that is capa-
16 ble of carrying one or more persons and—

17 (A) uses an inboard motor powering a
18 water jet pump or a caged propeller as its pri-
19 mary source of motive power; and

20 (B) is designed to be operated by a person
21 standing on, kneeling on, sitting in, or sitting
22 astride the vessel.

23 (3) **NO-WAKE SPEED.**—The term “no-wake
24 speed” means the speed at which a personal
25 watercraft moves through the water while maintain-

1 ing minimum headway and producing the smallest
2 wake possible.

3 **SEC. 5. ENFORCEABLE POLICIES IN THE COASTAL ZONE.**

4 (a) WITHHOLDING OF ASSISTANCE.—

5 (1) IN GENERAL.—The Secretary shall withhold
6 up to 10 percent of a coastal state’s assistance in
7 each fiscal year under sections 306 and 309 of the
8 Coastal Zone Management Act of 1972 (16 U.S.C.
9 1455 and 1456b), unless the coastal state imple-
10 ments enforceable policies and other provisions re-
11 quired under this section regarding the operation of
12 personal watercraft in coastal waters of the State.

13 (2) APPLICATION.—Paragraph (1) shall apply
14 after the expiration of the 2-year period beginning
15 on the date of the enactment of this Act.

16 (b) ENFORCEABLE POLICIES.—Enforceable policies
17 required under this section shall prohibit a person from
18 operating a personal watercraft in excess of no-wake speed
19 in any of the following areas or manner:

20 (1) In any area designated as a sensitive area
21 in the management program of the coastal state
22 under the Coastal Zone Management Act of 1972
23 (16 U.S.C. 1451 et seq.).

24 (2) In waters closer than 200 feet from the
25 shoreline.

1 (3) In a designated right-of-way or navigation
2 channel.

3 (4) In a manner that injures, harasses, or dis-
4 turbs wading, roosting, or nesting birds or marine
5 mammals.

6 (c) DESIGNATION OF SENSITIVE AREAS.—

7 (1) DESIGNATION BY STATE.—In addition to
8 the enforceable policies required under subsection
9 (b), the management program of a coastal state
10 shall include provisions that designate sensitive
11 areas of the coastal state for purposes of subsection
12 (b)(1) in accordance with the criteria issued under
13 paragraph (2) of this subsection.

14 (2) CRITERIA FOR DESIGNATION.—The Sec-
15 retary shall issue criteria for designating sensitive
16 areas under paragraph (1). The criteria shall include
17 a consideration of the following:

18 (A) The presence of unique or valuable
19 aquatic habitat and communities.

20 (B) The presence of aquatic vegetation,
21 nesting birds, shellfish beds, or marine mam-
22 mals.

23 (C) The importance of an area for other
24 recreational and commercial users.

1 (d) COMPLIANCE.—A coastal state that has a pro-
2 gram that is otherwise approved by the Secretary in ac-
3 cordance with section 306(d) of the Coastal Zone Manage-
4 ment Act of 1972 (16 U.S.C. 1455(d)) may comply with
5 subsection (a) of this section by amending or modifying
6 the program (in accordance with section 306(e) of that
7 Act) to add enforceable policies and other provisions re-
8 quired by that subsection.

9 (e) USE OF GRANTS.—A State may use any amount
10 received by the State as assistance under section 306 or
11 309 of the Coastal Zone Management Act of 1972 (16
12 U.S.C. 1455, 1456b) to develop and implement enforce-
13 able policies and provisions required under this section.

14 (f) REGULATIONS.—The Secretary, in consultation
15 with the Secretary of Transportation, shall issue regula-
16 tions implementing this section before the expiration of
17 the 1-year period beginning on the date of the enactment
18 of this Act.

19 **SEC. 6. PERSONAL WATERCRAFT SAFETY PROGRAM.**

20 (a) NATIONAL PERSONAL WATERCRAFT GUIDE-
21 LINES.—Within one year after the date of enactment of
22 this Act, the Secretary of Transportation shall establish
23 guidelines and standards for the operation of personal
24 watercraft, consistent with the enforceable policies re-
25 quired under section 5(b), in the national recreational

1 boating safety program carried out under section 13101
2 of title 46, United States Code. The guidelines and stand-
3 ards shall include—

4 (1) mandatory State registration of personal
5 watercraft;

6 (2) a minimum age for a personal watercraft
7 operator of at least 16 years of age, unless the oper-
8 ator is accompanied on the vessel by a passenger
9 who has attained an age greater than 16 years and
10 who has completed the mandatory training program
11 required under paragraph (3); and

12 (3) a requirement that all operators of personal
13 watercraft (including any operator of a rented ves-
14 sel) must complete a training program that includes
15 safety and conservation components.

16 (b) IMPLEMENTATION FUNDS.—A State may use
17 funds received by the State under section 13106 of title
18 46, United States Code, to develop and implement regula-
19 tions to improve personal watercraft user safety, reduce
20 conflicts among personal watercraft operators and other
21 boaters, and minimize environmental damage.

22 **SEC. 7. LAW ENFORCEMENT GRANTS.**

23 (a) IN GENERAL.—The Secretary of Transportation,
24 subject to the availability of appropriations, may make
25 grants to States to enforce recreational boating laws and

1 regulations, including purchasing necessary equipment
2 and hiring law enforcement personal. A State is eligible
3 for assistance under this subsection if the State has—

4 (1) implemented a recreational boating safety
5 program that incorporates the national guidelines
6 and standards for personal watercraft established
7 under section 6(a); and

8 (2) adopted the enforceable policies described in
9 section 5(b), if the State is a coastal state.

10 (b) ALLOCATION.—

11 (1) IN GENERAL.—Of the total amount avail-
12 able each fiscal year for grants under this section,
13 the Secretary shall allocate to each State an amount
14 that bears the same ratio to such total amount as
15 the number of recreational vessels registered in that
16 State bears to the total number of recreational ves-
17 sels registered in all States.

18 (2) LIMITATION ON GRANTS TO A STATE.—The
19 total amount awarded to a State each fiscal year as
20 grants under this section may not exceed the alloca-
21 tion to the State under paragraph (1) for the fiscal
22 year.

23 (c) REQUIRED MATCH.—As a condition of providing
24 a grant under this section to a State, the Secretary shall
25 require the State to provide matching funds according to

1 a 1-to-1 ratio of Federal-to-State contributions. All State
2 matching funds must be from non-Federal sources. The
3 State contribution may be made in the form of in-kind
4 contribution of goods or services.

5 **SEC. 8. TASK FORCE DEVELOPMENT GRANTS.**

6 (a) IN GENERAL.—The Secretary of Transportation,
7 subject to the availability of appropriations, may make
8 grants to States to support the activities of collaborative
9 task forces to minimize conflicts between personal
10 watercraft and other recreational and commercial users.
11 Task forces that receive assistance from the Secretary of
12 Transportation under this section shall—

13 (1) be organized geographically to minimize
14 user conflicts in a watershed or basin; and

15 (2) consist of members that represent personal
16 watercraft recreational users, State boating law ad-
17 ministrators, State conservation agencies, other Fed-
18 eral, State, and local agencies with a demonstrated
19 interest in minimizing user conflicts, property own-
20 ers, and other interested persons.

21 (b) ALLOCATION.—The Secretary shall award task
22 force development grants on a competitive basis. No State
23 may receive more than 25 percent of the total amount ap-
24 propriated for a fiscal year for assistance under this sub-
25 section.

1 (c) REGULATIONS.—The Secretary of Transportation
2 may issue regulations and requirements for the task force
3 development grant program under this section.

4 (d) REQUIRED MATCH.—As a condition of providing
5 a grant under this section to a State, the Secretary shall
6 require the State to provide matching funds according to
7 a 1-to-1 ratio of Federal-to-State contributions. All State
8 matching funds must be from non-Federal sources. The
9 State contribution may be made in the form of in-kind
10 contribution of goods or services.

11 (e) OBLIGATION.—Amounts provided as a grant
12 under this section shall be available to the grantee for obli-
13 gation for 2 years, after which any unobligated amount
14 shall revert to the Secretary of Transportation and remain
15 available for grants under this section for subsequent fis-
16 cal years.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) LAW ENFORCEMENT GRANTS.—For law enforce-
19 ment grants under section 7, there are authorized to be
20 appropriated to the Secretary of Transportation
21 \$25,000,000 for each of fiscal years 2002, 2003, and
22 2004.

23 (b) TASK FORCE DEVELOPMENT GRANTS.—For task
24 force development grants under section 8, there are au-
25 thorized to be appropriated to the Secretary of Transpor-

1 tation \$2,500,000 for each of fiscal years 2002, 2003, and
2 2004.

3 **SEC. 10. STATE AUTHORITY PRESERVED.**

4 Nothing in this Act limits the authority of a State
5 to establish limitations or requirements for the operation
6 of personal watercraft, that are more restrictive than the
7 enforceable policies and other provisions required by this
8 Act.

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