

August 11, 2016

Chairman Brian Dempsey  
House Committee on  
Ways and Means  
State House Room, 243  
Boston, MA 02133

Vice Chairman Stephen Kulik  
House Committee on Ways and  
Means  
State House Room 238  
Boston, MA 02133

MASSACHUSETTS  
MARINE TRADES  
ASSOCIATION



**Re: HB 4574: An Act relative to boater safety to be known as the David Hanson Act**

Dear Chairman Dempsey and Vice Chairman Kulik and Committee Members:

Thank you for the opportunity to comment on HB 4574, An Act relative to boater safety to be known as the David Hanson Act, the most recent redraft of HB 627. After a productive meeting with the Joint Committee on Environment, Natural Resources, and Agriculture, MMTA is unpleasantly surprised by the concerning new language proposed in HB 4574. MMTA supports mandatory boaters' education, and appreciates greatly the work so far which we have participated in regularly. We would be grateful to keep working with anyone 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.

There are three main points MMTA provided to the Joint Committee. We may be misreading the text, but the proposed language seems to require action by the Director without certainty on how to secure that action. We hope the legislature would share this proposed language with a wider array of newly regulated stakeholders. The three main points MMTA requires for support of the bill are listed below and underneath each point is any reference made within HB 4574.

- A six month grace period for buyers of a new boat,
  - 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.
- Phased-in education requirements so older boaters don't have to certify, and
  - (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, 1988, beginning on January 1, 2018,  
and  
(ii) For persons who were born on and after January 1, 1960, beginning on January 1,  
2020.

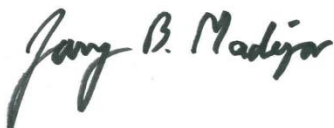
- Offering many providers of a course, so a bureaucracy-heavy system does not develop.
  - No reference made.

Also please consider the following bullet point comments and concerns from MMTA regarding the most recent redraft of HB 4574.

- The bill only requires a safe boating course or equivalency exam for the operation of a motorboat. There are no such requirements for sailboats, yet most sailboats have motors. This could be misleading to individuals.
- Calling a sailboat under power a “motorboat” is another deterrent for out-of-state boaters to enter Massachusetts.
- The bill seems to say that a person without a license can only operate a boat if someone with a license is on board. Therefore, it seems that a parent born before January 1, 1960, who does not require a license, can't turn the helm over to one of their children unless at least one of them gets a license. Someone born before January 1, 1960 should count as someone with a license. 1960 is not a logical date as people don't suddenly take up boating at age 66. A later date is sensible and doesn't discourage people from quitting boating.
- The bill text includes several requirements for rentals under fourteen days, which includes watching an instructional boating video and filling out a safety skills questionnaire. Have rental locations been consulted about this requirement? There is an increasingly large sector of the boating economy based on people participating in boat rental shared usage. How would they fit into this legislation?

For more work or comment, please contact **Jamy Madeja** at (617) 227-8410 or [jmadeja@buchananassociates.com](mailto:jmadeja@buchananassociates.com) or contact **Toby Burr** at [toby@burrbros.com](mailto:toby@burrbros.com), **President of the Mass Marine Trades Association.**

Cordially,



Jamy B. Madeja, Esq. on behalf of Massachusetts Marine Trades Association

