

REFERENCE TITLE: boating and water sports; education

State of Arizona  
Senate  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **SB 1322**

Introduced by  
Senator Epstein

AN ACT

AMENDING TITLE 5, CHAPTER 3, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 5.1; AMENDING TITLE 5, CHAPTER 3, ARTICLE 7, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-372; RELATING TO BOATING AND WATER SPORTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 5, chapter 3, Arizona Revised Statutes, is amended  
3 by adding article 5.1, to read:

4 ARTICLE 5.1. MANDATORY BOATING SAFETY EDUCATION

5 5-351. Definition of certificate

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES,  
7 "CERTIFICATE" MEANS A BOATING EDUCATION SAFETY CERTIFICATE ISSUED AS  
8 EVIDENCE OF SUCCESSFUL COMPLETION OF A COURSE IN SAFE BOATING OR PASSING  
9 AN EQUIVALENCY EXAM.

10 5-352. Applicability

11 THIS ARTICLE APPLIES TO:

12 1. A PERSON WHO IS UNDER TWENTY YEARS OF AGE ONE YEAR AFTER THE  
13 EFFECTIVE DATE OF THIS ARTICLE.

14 2. A PERSON WHO IS UNDER THIRTY YEARS OF AGE TWO YEARS AFTER THE  
15 EFFECTIVE DATE OF THIS ARTICLE.

16 3. A PERSON WHO IS AT LEAST THIRTY YEARS OF AGE THREE YEARS AFTER  
17 THE EFFECTIVE DATE OF THIS ARTICLE.

18 5-353. Motorized watercraft operator; requirements

19 A. A PERSON MAY NOT OPERATE A MOTORIZED WATERCRAFT ON ANY PUBLIC  
20 WATERS UNLESS THE OPERATOR MEETS ANY OF THE FOLLOWING CONDITIONS:

21 1. HAS SUCCESSFULLY COMPLETED A COURSE IN SAFE BOATING THAT IS  
22 APPROVED BY A NATIONAL ASSOCIATION OF BOATING LAW ADMINISTRATORS AND THE  
23 DEPARTMENT OR HAS PASSED AN EQUIVALENCY EXAM, IF THE EXAM WAS PROCTORED  
24 AND TESTS THE KNOWLEDGE OF INFORMATION INCLUDED IN THE CURRICULUM OF A  
25 NATIONAL ASSOCIATION OF BOATING LAW ADMINISTRATORS-APPROVED COURSE, AND  
26 HAS RECEIVED A CERTIFICATE OF SUCCESSFUL COMPLETION OF THE COURSE OR THE  
27 EQUIVALENCY EXAM.

28 2. HAS A VALID LICENSE TO OPERATE A VESSEL ISSUED FOR MARITIME  
29 PERSONNEL BY THE UNITED STATES COAST GUARD PURSUANT TO 46 CODE OF FEDERAL  
30 REGULATIONS PART 10 OR A MARINE CERTIFICATE ISSUED BY THE CANADIAN  
31 GOVERNMENT.

32 3. HAS A DEPARTMENT-APPROVED, NONRENEWABLE, TEMPORARY OPERATOR'S  
33 PERMIT TO OPERATE THE MOTORIZED WATERCRAFT THAT IS VALID FOR SIXTY DAYS  
34 AND WAS ISSUED WITH THE CERTIFICATE OF NUMBER FOR THE MOTORIZED  
35 WATERCRAFT, IF THE MOTORIZED WATERCRAFT IS NEW OR WAS SOLD WITH A TRANSFER  
36 OF OWNERSHIP.

37 4. HAS A RENTAL OR LEASE AGREEMENT PURSUANT TO SECTION 5-372 THAT  
38 LISTS THE PERSON AS AN AUTHORIZED OPERATOR OF THE MOTORIZED WATERCRAFT.

39 5. IS NOT A RESIDENT OF THIS STATE AND IS TEMPORARILY USING PUBLIC  
40 WATERS FOR A PERIOD OF SIXTY DAYS OR LESS AND MEETS ANY APPLICABLE  
41 REQUIREMENTS OF THE OPERATOR'S STATE OF RESIDENCY OR HAS A CANADIAN  
42 PLEASURE CRAFT OPERATOR'S CARD.

43 6. IS A PERSON WHO OPERATES A MOTORIZED WATERCRAFT UNDER SUPERVISED  
44 TRAINING, AS AUTHORIZED BY THE DEPARTMENT.

1 B. A PERSON WHO IS UNDER TWELVE YEARS OF AGE MAY NOT OPERATE A  
2 MOTORIZED WATERCRAFT ON PUBLIC WATERS UNLESS ACCOMPANIED ON BOARD AND  
3 DIRECTLY SUPERVISED BY A PERSON WHO IS AT LEAST EIGHTEEN YEARS OF AGE.  
4 BOTH PERSONS MUST MEET THE REQUIREMENTS OF SUBSECTION A OF THIS SECTION.

5 5-354. Compliance; violation; classification; penalties;  
6 definition

7 A. A PERSON WHO IS OPERATING A MOTORIZED WATERCRAFT ON ANY PUBLIC  
8 WATERS AND WHO IS STOPPED BY A PEACE OFFICER SHALL PRESENT EVIDENCE THAT  
9 THE REQUIREMENTS OF SECTION 5-353 HAVE BEEN MET. FAILURE TO PRESENT  
10 EVIDENCE THAT THE REQUIREMENTS OF SECTION 5-353 HAVE BEEN MET SHALL  
11 CONSTITUTE PRIMA FACIA EVIDENCE OF A VIOLATION OF SECTION 5-353.

12 B. A PERSON IS GUILTY OF A CLASS 3 MISDEMEANOR IF THE PERSON:

13 1. FORGES, COUNTERFEITS OR FALSIFIES A CERTIFICATE OR OTHER  
14 DOCUMENT.

15 2. POSSESSES, WITH THE INTENT TO DECEIVE, A CERTIFICATE OR OTHER  
16 DOCUMENT THAT HAS BEEN FORGED, COUNTERFEITED OR FALSIFIED.

17 3. ALLOWS THE PERSON'S CERTIFICATE OR OTHER DOCUMENT TO BE USED BY  
18 ANOTHER PERSON WITH THE INTENT TO DECEIVE.

19 C. A PERSON WHO FAILS TO PRESENT A CERTIFICATE OR OTHER DOCUMENT AS  
20 REQUIRED BY SUBSECTION A OF THIS SECTION IS GUILTY OF A PETTY OFFENSE  
21 UNLESS THE PERSON PRESENTS THE REQUIRED CERTIFICATE OR DOCUMENT IN A  
22 SUBSEQUENT COURT PROCEEDING THAT PROVES THE PERSON WAS OPERATING THE  
23 MOTORIZED WATERCRAFT IN COMPLIANCE WITH THIS ARTICLE ON THE DATE OF THE  
24 VIOLATION.

25 D. THE COURT MAY SUSPEND ALL OR PART OF THE FINE IMPOSED ON A  
26 DEFENDANT IF THE DEFENDANT COMPLETES THE SAFE BOATING EDUCATION COURSE  
27 APPROVED BY A NATIONAL ASSOCIATION OF BOATING LAW ADMINISTRATORS AND THE  
28 DEPARTMENT WITHIN THE TIME LIMITS ORDERED BY THE COURT.

29 E. THE COURT MAY PROHIBIT A PERSON WHO IS FOUND TO HAVE VIOLATED  
30 THIS ARTICLE FROM OPERATING A MOTORIZED WATERCRAFT ON PUBLIC WATERS UNTIL  
31 THE PERSON SUCCESSFULLY COMPLETES THE SAFE BOATING EDUCATION COURSE  
32 APPROVED BY A NATIONAL ASSOCIATION OF BOATING LAW ADMINISTRATORS AND THE  
33 DEPARTMENT.

34 F. FOR THE PURPOSES OF THIS SECTION, "DOCUMENT" MEANS A DOCUMENT  
35 USED AS EVIDENCE THAT THE REQUIREMENTS OF SECTION 5-353 HAVE BEEN MET.

36 5-355. Rules; fees

37 THE DEPARTMENT MAY ADOPT RULES NECESSARY TO CARRY OUT THIS ARTICLE,  
38 INCLUDING PROVISIONS FOR ISSUING CERTIFICATES, ISSUING DUPLICATE  
39 CERTIFICATES, RECORDKEEPING, COOPERATIVE AGREEMENTS, NAME AND ADDRESS  
40 CHANGES, ESTABLISHING FEES FOR BOATING SAFETY COURSES AND CERTIFICATES AND  
41 EQUIVALENCY EXAM CRITERIA.

1           Sec. 2. Title 5, chapter 3, article 7, Arizona Revised Statutes, is  
2 amended by adding section 5-372, to read:

3           5-372. Motorized watercraft rentals; requirements

4           A. A PERSON OR THE PERSON'S AGENT OR EMPLOYEE ENGAGED IN THE  
5 BUSINESS OF RENTING OR LEASING MOTORIZED WATERCRAFT FOR A PERIOD OF NOT  
6 MORE THAN THIRTY DAYS MAY NOT RENT OR LEASE A MOTORIZED WATERCRAFT TO ANY  
7 PERSON FOR OPERATION ON THE PUBLIC WATERS UNLESS THE PERSON:

- 8           1. MEETS THE REQUIREMENTS OF SECTION 5-353.  
9           2. IS AT LEAST EIGHTEEN YEARS OF AGE.

10          B. A PERSON OR THE PERSON'S AGENT OR EMPLOYEES ENGAGED IN THE  
11 BUSINESS OF RENTING OR LEASING MOTORIZED WATERCRAFT SHALL LIST ON EACH  
12 RENTAL OR LEASE AGREEMENT FOR A MOTORIZED WATERCRAFT THE NAME AND AGE OF  
13 EACH PERSON WHO IS AUTHORIZED TO OPERATE THE MOTORIZED WATERCRAFT. THE  
14 PERSON TO WHOM THE MOTORIZED WATERCRAFT IS RENTED OR LEASED SHALL ENSURE  
15 THAT ONLY THOSE PERSONS WHO ARE LISTED AS AUTHORIZED OPERATORS ARE ALLOWED  
16 TO OPERATE THE MOTORIZED WATERCRAFT.

17          C. A PERSON OR THE PERSON'S AGENT OR EMPLOYEE ENGAGED IN THE  
18 BUSINESS OF RENTING OR LEASING MOTORIZED WATERCRAFT SHALL PROVIDE TO EACH  
19 PERSON AUTHORIZED TO OPERATE A MOTORIZED WATERCRAFT A SUMMARY OF THE  
20 STATUTES AND RULES OF THIS STATE GOVERNING THE OPERATION OF A MOTORIZED  
21 WATERCRAFT AND INSTRUCTIONS REGARDING THE SAFE OPERATION OF THE MOTORIZED  
22 WATERCRAFT. EACH PERSON WHO IS LISTED AS AUTHORIZED TO OPERATE THE  
23 MOTORIZED WATERCRAFT SHALL REVIEW THE SUMMARY OF THE STATUTES, RULES AND  
24 INSTRUCTIONS BEFORE THE MOTORIZED WATERCRAFT DEPARTS FROM THE RENTAL OR  
25 LEASING OFFICE.

26          D. A PERSON OR THE PERSON'S AGENT OR EMPLOYEE ENGAGED IN THE  
27 BUSINESS OF RENTING OR LEASING MOTORIZED WATERCRAFT MAY USE A RENTAL  
28 SAFETY CHECKLIST THAT HIGHLIGHTS IMPORTANT BOATING SAFETY RULES AND  
29 REQUIRES THE PERSON TO WHOM THE MOTORIZED WATERCRAFT IS RENTED OR LEASED  
30 TO INITIAL EACH SECTION TO PROVE THAT THE PERSON READ THE SECTION AND IS  
31 AWARE OF THE SAFETY RULES.