

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 508\*

Senate State Government, Local Government, and Personnel Committee Substitute  
Adopted 5/21/97

Short Title: Upper Catawba/Personal Watercraft.

(Local)

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Sponsors:

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Referred to:

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March 12, 1997

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL  
3 WATERCRAFT ON THE UPPER CATAWBA RIVER.

4 The General Assembly of North Carolina enacts:

5 Section 1. Chapter 75A of the General Statutes is amended by adding a new  
6 section to read:

7 **"§ 75A-13.3. Personal watercraft.**

8 (a) No person shall operate a personal watercraft on the waters of this State at any  
9 time between the hours from one hour after sunset to one hour before sunrise. For  
10 purposes of this section, 'personal watercraft' means a small vessel which uses an  
11 outboard or propeller-driven motor, or an inboard motor powering a water jet pump, as its  
12 primary source of motive power and which is designed to be operated by a person sitting,  
13 standing, or kneeling on, or being towed behind the vessel, rather than in the  
14 conventional manner of sitting or standing inside the vehicle.

15 (a1) Except as otherwise provided in this subsection, no person under 16 years of  
16 age shall operate a personal watercraft on the waters of this State, nor shall the owner of a  
17 personal watercraft knowingly allow a person under the age of 16 to operate a personal

1 watercraft. A person of at least 13 years of age but under 16 years of age may operate a  
2 personal watercraft on the waters of this State if:

3 (1) The person is accompanied by a person of at least 16 years of age who  
4 physically occupies the watercraft; or

5 (2) The person possesses a boating safety certificate or a photographic  
6 identification card certifying that the person has completed a boating  
7 safety course approved by the United States Coast Guard Auxiliary.

8 (a2) No livery shall lease, hire, or rent a personal watercraft to or for operation by a  
9 person under 16 years of age, except as provided in subsection (a1) of this section.

10 (b) No person shall operate a personal watercraft on the waters of this State, nor  
11 shall the owner of a personal watercraft knowingly allow another person to operate that  
12 personal watercraft on the waters of this State, unless:

13 (1) Each person riding on or being towed behind such vessel is wearing a  
14 personal flotation device approved by the United States Coast Guard;  
15 and

16 (2) In the case of a personal watercraft equipped by the manufacturer with a  
17 lanyard-type engine cut-off switch, the lanyard is securely attached to  
18 the person, clothing, or flotation device of the operator at all times while  
19 the personal watercraft is being operated in such a manner to turn off the  
20 engine if the operator dismounts while the watercraft is in operation.

21 (c) A personal watercraft must at all times be operated in a reasonable and prudent  
22 manner. Maneuvers that endanger life, limb, or property, including:

23 (1) Unreasonably or unnecessarily weaving through congested vessel  
24 traffic;

25 (2) Jumping the wake of another vessel unreasonably or unnecessarily close  
26 to such other vessel or when visibility around such other vessel is  
27 obstructed; and

28 (3) Intentionally approaching another vessel in order to swerve at the last  
29 possible moment to avoid collision

30 shall constitute reckless operation of a vessel as provided in G.S. 75A-10.

31 (d) The provisions of this section do not apply to a performer engaged in a  
32 professional exhibition, a person or persons engaged in an activity authorized under G.S.  
33 75A-14, or a person attempting to rescue another person who is in danger of losing life or  
34 limb.

35 (e) This section applies only to that portion of the waters of the upper Catawba  
36 River found within Alexander, Burke, Caldwell, Catawba, Iredell, Lincoln, McDowell,  
37 and Mecklenburg Counties, beginning where the US Highway 221 bridge crosses the  
38 Catawba River in McDowell County and extending downstream to the Cowans Ford  
39 Dam. The provisions of G.S. 75A-13.2 shall not apply to the region covered by this  
40 section."

41 Section 2. G.S. 75A-13.2 is amended by adding a new subsection to read:

42 "(e) The provisions of this section shall not apply to that portion of the upper  
43 Catawba River covered by G.S. 75A-13.3."

- 1           Section 3. G.S. 75A-18 is amended by adding a new subsection to read:  
2           "(e) A person under 16 years of age who operates a personal watercraft in violation  
3           of the provisions of G.S. 75A-13.3 is guilty of an infraction as provided in G.S. 14-3.1."  
4           Section 4. This act becomes effective December 1, 1997.