

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

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Short Title: Upper Catawba/Personal Watercraft.

(Local)

Sponsors:

Referred to:

March 12, 1997

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL
WATERCRAFT ON THE UPPER CATAWBA RIVER AND TO PROVIDE FOR
NO WAKE ZONES ON LAKE NORMAN.

The General Assembly of North Carolina enacts:

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

"§ 75A-13.3. Personal watercraft.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Section 3. G.S. 75A-18 is amended by adding a new subsection to read:

4 "(e) A person under 16 years of age who operates a personal watercraft in violation
5 of the provisions of G.S. 75A-13.3 is guilty of an infraction as provided in G.S. 14-3.1."

6 Section 4. It is unlawful to operate a vessel at greater than no-wake speed
7 within 50 yards of a boat launching area, bridge, dock, pier, marina, boat storage
8 structure, or boat service area on the waters of Lake Norman. No-wake speed is idle
9 speed or slow speed creating no appreciable wake.

10 With regard to marking the no-wake speed zone established in this section,
11 each of the boards of commissioners of Catawba, Iredell, Lincoln, and Mecklenburg
12 Counties may place and maintain navigational aids and regulatory markers of a general
13 nature on the waters of Lake Norman within the boundaries of each respective county.
14 Provided the counties exercise their supervisory responsibility, they may delegate the
15 actual process of placement or maintenance of the markers to some other agency,
16 corporation, group, or individual. With regard to marking the restricted zones, markers
17 may be placed and maintained by the individuals using the protected areas and facilities
18 in accordance with the Uniform Waterway Marking System and any supplementary
19 standards for that system adopted by the Wildlife Resources Commission.

20 This section is enforceable under G.S. 75A-17 as if it were a provision of
21 Chapter 75A of the General Statutes.

22 Section 5. Section 4 of this act is effective when it becomes law and is
23 enforceable after markers complying with Section 7 are placed in the water. The
24 remainder of this act is effective when it becomes law.