

**Boating Enforcement
Marine Law Enforcement Training Program
Division of Boating and Waterways
May 2023**

Program Summary:

The Division of Boating and Waterways (DBW) Marine Law Enforcement Training Program provides training courses statewide to law enforcement officers, harbor patrol officers, lifeguards, and others that work in a marine patrol environment. Statewide training ensures uniform enforcement of boating laws on all California's waterways. With more than 100 local government agencies providing boating law enforcement in California, the purpose of the training program is to provide comprehensive, current, and effective training courses with reliable consistency.

DBW training courses are designed to accommodate all levels of boating skills. Fundamental courses for new boat patrol officers include: Basic Maritime Officer's Course, Inland Boat Operator, Boating Under the Influence, and Boating Accident Investigation. More advanced courses for experienced boat patrol officers include: Advanced Maritime Officer's Course, Rescue Boat Operations, and Marine Firefighter Operations.

Statistics:

DBW allocated \$438,000 from the United States Coast Guard Federal Trust Fund grant during Federal Fiscal Year (FFY) 2022 for boating safety and boating law enforcement training statewide. DBW trained (365) students in (30) classes, covering (10) separate disciplines. The program was facilitated by (1) Associate Governmental Program Analyst who serves as the Training Coordinator.

FFY 2022 Accomplishments:

COURSE TITLE	STUDENTS	CLASSES
Basic Maritime Officer's Course	66	7
Advanced Maritime Officer's Course	29	3
Inland Boat Operator	62	4
Rescue Boat Operations	48	3
Marine Firefighter Operations	35	2
Boating Under the Influence	45	3
Boating Accident Investigation	59	4
Basic Coastal Operator	13	1
Instructor Development Training	2	2
NASBLA BUI TTT	6	1
TOTALS	365	30

FFY 2022 Accomplishments (cont'd):

- 1) The Division expanded the Boating Under the Influence course from (3) days to (4) days to allow additional practice in administering the Standardized Field Sobriety Tests and add a report writing component to the curriculum.
- 2) The Division has developed the Basic Coastal Operations course to meet the training need for non-fully sworn officers working in a coastal environment.
- 3) The Division added (4) new instructors to the training cadre.

Goals and Objectives for FFY 2023:

- 1) Develop a Rescue Watercraft course in order to meet the needs of personnel utilizing Personal Water Craft (PWC) platforms in maritime operations.
- 2) To assess training efficacy and future needs by attending the California Boating Safety Officer's Association (CBSOA) and the California State Sheriff's Association (CSSA) Boating Subcommittee training symposiums.

Boating Safety Unit
Division of Boating and Waterways
For-Hire Vessel Operator Licensing Program

Program Summary:

A for-hire vessel is defined as 'any vessel propelled by machinery carrying more than three passenger's for-hire for valuable consideration, whether directly or indirectly flowing to the owner, charterer, operator, agent or any other person interested in the vessel'.

The operator of the for-hire vessel who has met the requirements of California Boating Law, Article 3, Harbors and Navigation Code 760-772 must be licensed with the Division of Boating and Waterways.

For-Hire licensing laws apply to operators of powered vessels carrying more than three passengers for money or other consideration on California waters not under Federal jurisdiction. Water skiers being towed by a powered vessel are considered passengers. Waters not considered under Federal jurisdiction are those which cannot be navigated to the sea or to another state and are considered "non-navigable".

- Licensees must be at least eighteen (18) years old.
- Licensees must have one year's experience in operating the type of boat on the type of water for which the license is requested. In certain cases, other experience or training may be substituted.
- Licensees must be in good physical condition.
- Licensees must have adequate knowledge and skills necessary for safe operation of a passenger vessel. Written and practical (on-the water) examinations are given.

Statistics:

The Division allocated \$10,000 in funding for proctoring the For-Hire License exam. The Division issued (42) new licenses and (20) renewals. There are currently (324) active For-Hire licensees in the State. The program is facilitated by (1) Associate Governmental Program Analyst who serves as the program coordinator and (1) contractor who serves as the exam proctor.

Goals and Objectives:

- 1) To update regulations to make the program a cost neutral program.
- 2) Establish fee's in accordance with AB 865.

Total Vessel Operator's: There are currently 324 active vessel for-hire operators.

**Boating Safety Unit
Division of Boating and Waterways
For-Hire Vessel Carrier Insurance
Verification Certificate Program**

Program Summary:

The For-Hire Vessel Carrier Insurance Verification Certificate program verifies and documents mandatory insurance for all For-Hire Vessel companies that performs passenger transportation services for compensation (e.g., fishing charters, sightseeing tours, sunset cruises etc.) in California waters.

The Division of Boating and Waterways assumed responsibility of the For-Hire Vessel Carrier Program from the Public Utilities Commission (PUC). Senate Bill 19, approved by the Governor on October 2, 2017, transferred the regulatory authority to regulate vessels for hire to the Division of Boating and Waterways effective July 1, 2018.

The Division requires every for-hire vessel company to procure and continue in effect so long as the for-hire vessel company continues to offer its services for compensation, adequate protection against liability imposed by law upon a for-hire vessel company for the payment of damages for personal bodily injuries, including death resulting from those services, and property damage as a result of an accident (SB 19, Section 9, Article 2.9, Subsection 759.2).

DBW currently has (188) active For-Hire Vessel Carrier applicants and continues to receive new applicants weekly.

Statistics:

The Division currently charges \$25 for new and renewal applications.

In the 2021/2022 Calendar Year, the program generated \$4,700 in program revenue.

The program is facilitated by (1) Associate Governmental Program Analyst who serves as the program coordinator.

Goals and Objectives:

1. To establish regulations within California Code of Regulations, Title 14 for the For-Hire Vessel Carrier program.
2. Continue to build relationships with commercial marine insurance companies.
3. Perform outreach to inform For-Hire companies of Program requirements and bring them into compliance.

**Boating Safety Unit
Yacht and Ship Licensing and Enforcement Program
Division of Boating and Waterways
June 8, 2023**

Enforcement Overview:

Introduction

Enforcement Components:

- 1) Ensuring regulatory compliance of Yacht and Ship licensees. This is mainly done through brokerage inspections, which can be either physical inspections of brokerage operations, or remote audits of brokerage files.
- 2) Investigating consumer complaints of Yacht and Ship licensees. Once a complaint is verified to be within the jurisdiction of the Department (i.e. not a complaint about a new boat sale, or a used boat that was not brokered), the Department has a legislative mandate to conduct an investigation.
- 3) Monitoring for and responding to unlicensed activity.

Levels of Intervention

- 1) The Department enforces the Yacht and Ship Broker's Act (Act), through multiple levels of intervention. The level of intervention depends on multiple factors, including the type of violation, seriousness of the violation, if it is a repeat offense, knowledge of the Harbors and Navigation Codes, etc.
- 2) Education is the lower levels of intervention. Education normally comes in the form of corrective guidance, which can include Cease and Desist Letters and Warning Letters.
- 3) The assessment of civil penalties is the intermediate level of intervention. These penalties are assessed under the authority of Harbors and Navigation Code Section 739. Penalties can vary from \$100 to \$1,500 for each separate violation.
- 4) Referring a case or penalty matter to the Attorney General's Office (AG) is the most severe level of intervention. The AG will argue the matter before an administrative law judge. The AG can assess a higher penalty, and recoup all costs associated with the case. The AG also has the ability to bring criminal charges, as all codes under this article are classified as misdemeanors by Harbors and Navigation Code 738.

Enforcement Actions

The following list comes from statistics gathered for the calendar years (CY) 2022 and 2023. The 2023 numbers are current through March 27, 2023.

- 1) CY 22: Two consumer complaint cases opened; 63 cease and desist orders issued; 47 physical inspections and 5 remote audits conducted.
- 2) CY 22: 30 inspections resulted in penalty assessments. These assessments totaled \$27,000. All \$27,000 has been collected.
- 3) CY 23, as of 3/27/2023: No cases received or pending; 8 cease and desist orders issued; 9 physical inspections and 4 remote audit conducted.
- 4) CY 23: 7 inspections resulted in penalty assessments. These assessments totaled \$12,750. \$1,300 has been collected.

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**Boating Safety Unit
Yacht and Ship Licensing and Enforcement Program
Division of Boating and Waterways
Salesperson License**

Summary:

A “**Salesperson**” refers to a natural person who, for compensation or in expectation of compensation, is employed by a licensed broker in California to do one or more of the acts below:

- (1) Sells or offers to sell, buys or offers to buy, solicits or obtains listings of, or negotiates the purchase, sale, or exchange of yachts, and who does not own those yachts.
- (2) Leases or rents, offers to lease or rent, places for rent, solicits a listing of a yacht for rent, or negotiates the purchase, sale, or exchange of a lease on a yacht, for a rental or lease period of more than 90 consecutive days to any one person or business during any 12-month period, and who does not own that yacht

Eligibility:

To be eligible, an applicant must be sponsored by a licensed California yacht and ship broker who plans to employ the individual.

Applicant also must clear a DOJ/FBI background check before a license can be issued.

Fees:

\$ 25.00 - Temporary Salesperson's License (optional).
\$ 25.00 - Written examination
\$100.00 -Yacht and Ship Salesperson's License
\$150.00 Total

Other Fees:

\$50/\$100 – Renewal
\$75/\$125 – Reinstatement
\$10 - Transfer

Total Sales Licenses:

There are currently **662** active salespersons in the yacht brokerage industry in California.

**Division of Boating and Waterways
Boating Safety Unit
Yacht and Ship Broker Licensing Program
Summary
June 8, 2023**

Summary:

A "**Broker**" is defined as:

A person who, except as otherwise excluded by Section 710, for compensation or in expectation of compensation, does, or negotiates to do, one or more of the following acts for another or others:

(1) Sells or offers to sell, buys or offers to buy, solicits or obtains listings of, or negotiates the purchase, sale, or exchange of yachts, and who does not own those yachts.

(2) Leases or rents, offers to lease or rent, places for rent, solicits a listing of a yacht for rent, or negotiates the purchase, sale, or exchange of a lease on a yacht, for a rental or lease period of more than 90 consecutive days to any one person or business during any 12-month period, and who does not own that yacht.

Minimum Qualifications to Apply:

Be at least 18 years of age; and

Employed as a licensed Salesperson for at least one year in the past five years or licensed as a Broker in the past five years; **or**

(Beginning January 1, 1998) have owned and operated a marine business in California selling new or used yachts for a minimum of three continuous years immediately preceding application for a broker license. ["Yacht" refers to vessels 16 feet or longer and under 300 gross tons]; and have an established place of business located in California (post office box, mail drop or telephone answering service is not a "Place of Business"); **or**

Only for Out-of-State Applicants - Have been employed, as the primary occupation, as a yacht broker or yacht salesperson in another state for a minimum of three continuous years immediately preceding application for a California broker license. ["Broker" refers to a person who, under a consignment agreement, negotiates the purchase, sale, lease, or exchange of (used) yachts and who does not own the vessels.]

Fees:

\$ 200.00 – Original Broker's License
\$ 25.00 – Written Examination
\$ 225.00 – Total

Total Broker Licenses:

There are currently **317** active brokers in the yacht brokerage industry in California.

**Division of Boating and Waterways
Boating Safety Unit
Yacht and Ship Broker Licensing Program
Overview
June 8, 2023**

Overview of Yacht and Ship Broker Licensing Program:

Division of Boating and Waterways (DBW) licenses and regulates yacht brokers and salespersons in California. Any person selling used vessels 16 feet or longer and less than 300 gross tons, for others and who does not own those vessels, are required to be licensed in California. DBW enforces the Harbors & Navigation Code 700-740 to regulate the activities of licensees to ensure compliance and provide consumer protection.

The program objectives are:

- 1) To provide consumer protection and licensing information to the public.*
- 2) Issue yacht and ship broker/salesperson licenses to qualified applicants.*
- 3) Interpret boating laws that govern the program to applicants and consumers.*

The five main components of the program are:

- 1) To license and regulate yacht and ship broker/salesperson licensees.*
- 2) Process applications for yacht broker and salesperson licenses.*
- 3) Ensure that all duties related to application processing and licensing for yacht brokers are completed to comply with the laws, policies, and procedures that govern the program.*
- 4) Facilitate and proctor yacht and ship broker and salesperson examinations.*
- 5) Review applicant backgrounds before issuing a license.*

Program Staff, Budget, and Cost:

- 1) The Yacht and Ship licensing unit has three staff that oversee the duties of the program.*
- 2) Program staffing is two Licensing Administrators (SSA) and one Enforcement Investigator (AGPA).*
- 3) The 3-year average budget for the program was \$375,000.00*
- 4) The 3-year average cost to administer the operations of the Yacht and Ship Program was \$358,947.33*



California State Parks and Recreation, Division of Boating and Waterways (DBW)

Boating Accident Program

Overview of the Boating Accident Program:

The Division of Boating and Waterways (DBW) collects and analyzes boating incidents reports to develop safety strategies and make recommendations in the interest of reducing boating incidents, injuries, and fatalities on California's waterways.

Each year, DBW releases a comprehensive study of boating incidents in California, which provides information on incidents, fatalities, and injuries. This report, California Boating Incident Report, includes special topics such as personal watercraft, youth operators, and fatal alcohol-related incidents, and is available upon request.

DBW continues to participate in the Engineering, Reporting and Analysis Committee (ERAC). ERAC identifies, evaluates, and analyzes recreational boating data and other related information that can shed light on factors associated with boating incidents; be used to inform the development of state- and national-level boating safety policies, programs and campaigns; and, ultimately, be used to measure their effectiveness.

To ensure that the results of the research and analyses are valid and reliable, ERAC also actively seeks ways to advance the quality, relevance, accuracy, consistency, applicability, and completeness of the data and information.

Effective January 1, 2024, the USCG will be moving from the term accident to incident reporting.

Statistics:

As of December 31, 2022, there were 499 recreational boating incidents in California, which resulted in 208 injuries and 43 fatalities.



State Parks Division of Boating and Waterways (DBW)

Boating Safety and Financial Aid Program

Overview of the Boating Safety and Financial Aid Program:

The Division of Boating and Waterways (DBW), Boating Safety and Enforcement Financial Aid Program (Program) provides State financial aid to local governmental agencies whose waterways have high usage by transient boaters and an insufficient tax base to fully support a boating safety and enforcement program. The program is intended to augment existing local resources for boating safety and enforcement activities and is not intended to fully fund their program. Local participation in the program is entirely voluntary. Any local agency may opt not to participate in the program if they choose to spend their boat taxes on activities other than boating safety and enforcement activities.

A participating agency must agree to spend 100 percent of vessel taxes received by the county for boating safety and enforcement activities prior to receiving State financial aid under this program. Each agency is allocated a maximum amount of funds that the Program will reimburse to the agency if the agency incurs and documents actual expenditures to support the allocation. Allocations are based on jurisdiction and size of waterway.

For purposes of receiving State financial aid under Section 663.7 of the Harbors and Navigation Code, the agency's boating and safety enforcement, as used in this section, includes search and rescue operations, recovery of drowned bodies, enforcement of state and local measures for regulation of boating activities, inspection of vessels, and supervision of organized water events.

Participating agencies submit reimbursement claims to DBW on a quarterly basis for actual expenditures only. The monies to support the Program are funded through the Harbors and Watercraft Revolving Fund.

Statistics:

DBW currently allocates \$11,500,000 in funding for boating safety and enforcement financial aid to 37 counties and 2 cities state-wide.