

**Boating Enforcement
Marine Law Enforcement Training Program
Division of Boating and Waterways
May 2021**

Program Summary:

The Division of Boating and Waterways 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.

Division of Boating and Waterways 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:

The Division allocated \$437,000 from the United States Coast Guard Federal Trust Fund grant during Federal Fiscal Year (FFY) 2020 for boating safety and boating law enforcement training statewide. The Division trained (319) students in (25) classes, covering (8) separate disciplines. The program was facilitated by (1) Associate Governmental Program Analyst who served as the Training Coordinator.

FFY 2020 Accomplishments:

COURSE TITLE	STUDENTS	NORTHERN REGION	SOUTHERN REGION	CLASSES
Basic Maritime Officer's Course	81	21	60	7
Advanced Maritime Officer's Course	38	6	32	4
Inland Boat Operator	35	19	16	2
Rescue Boat Operations	47	9	38	3
Marine Firefighter Operations	15	3	12	1
Boating Under the Influence	44	22	22	3
Boating Accident Investigation	58	37	21	4
Instructor Development Training	1	1	0	1
TOTALS	319	118	201	25

*Training totals were down approximately 22% due to cancellations related to the COVID-19 pandemic.

FFY 2020 Accomplishments (cont'd):

- 1) The Division implemented state COVID-19 guidelines and secured necessary PPE in order to provide maritime training.
- 2) The Division was able to train approximately 78% of the average number of officers typically trained in a fiscal year.
- 3) The Division added (4) instructors to the training cadre.

Goals and Objectives for FFY 2021:

- 1) To expand the Boating Under the Influence course from (3) days to (4) days in order to allow additional practice in administering the Standardized Field Sobriety Tests and to add a report writing component to the curriculum.
- 2) To develop a first responder course to meet the needs of non-sworn officers working in a maritime environment.
- 3) 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 department.

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 as 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 (22) new licenses and (13) renewals. There are currently (327) active For-Hire licensees in the State. The program was facilitated by (1) Staff Services Analyst who served as the program coordinator and (1) contractor who served as the exam proctor.

Accomplishments:

- DBW has contracted with retired LT Doug Powell who holds a 100-ton Captain's license through the United States Coast Guard.
- During the Covid-19 pandemic the Division was able to purchase personal protection equipment along with following state and county health department guidelines in order to resume exam proctoring with new safety protocols in place.
- We continue to proctor exams and practical's statewide.

Goals and Objectives:

- 1) To update regulations to make the program a revenue generating program.

Total Vessel Operator's: There are currently 327 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, which 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 (228) 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 2020 Calendar Year, the program generated \$5,175.

Accomplishments:

Since the Division took over the program almost 3 years ago, we have acquired 165 new applicants.

Goals and Objectives:

1. To Establish For-Hire Vessel Carrier Regulations within the DBW.
2. Continue to build relationships with commercial marine insurance companies.
3. Perform outreach to inform For-Hire companies of Program requirements.

**Boating Safety Unit
Yacht and Ship Licensing and Enforcement Program
Division of Boating and Waterways
May 6, 2021**

Overview of Yacht and Ship Licensing Program:

Division of Boating and Waterways (DBW) licenses and regulates yacht and ship 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 CA. 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 public.*
- 2) Issue yacht and ship broker/salesperson license 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 and ship brokers are completed to comply with the laws, policies and procedures that govern the program.*
- 4) Facilitate and proctor yacht and ship broker and salespersons license examinations.*
- 5) Review applicant DOJ and FBI backgrounds before issuing license.*

Program Staff, Budget and Cost:

- 1) The Yacht and Ship licensing unit consists of three staff that oversee the duties of the program, two Licensing Administrators (SSA) and one Enforcement Officer (AGPA).*
- 2) The annual budget for the program is \$375,000.00.*

**Boating Safety Unit
Yacht and Ship Licensing and Enforcement Program
Division of Boating and Waterways
Brokers License
May 6, 2021**

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 year's 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 year's 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 **339** active brokers in the yacht brokerage industry in California.

**Boating Safety Unit
Yacht and Ship Licensing and Enforcement Program
Division of Boating and Waterways
Salesperson License
May 6, 2021**

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 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 596 active salespersons in the yacht brokerage industry in California.



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

Recreational Boating Accident Program

Overview of the Recreational Boating Accident Program:

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

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

In August of 2019, DBW introduced the boating accident database to local law enforcement agencies throughout California. DBW works closely with the Boating Accident Investigation cadre to teach the database, discuss trends, and ensure that students are aware of the State reporting requirement.

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.

Statistics:

As of December 31, 2020 there were 660 recreational boating accidents in California, which resulted in 322 injuries and 41 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 Boating Safety and Enforcement Financial Aid 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 agrees 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 that the BS&E Financial Aid Program will reimburse 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, boating and safety enforcement activities include the following:

- *Enforcement of State and local laws and regulations*
- *Inspection of vessels*
- *Supervision of organized on-the-water boating activities or water events.*
- *Search and rescue operations*
- *Personnel*
- *Operations, Maintenance and Equipment*
- *Administration*

Participating agencies submit reimbursement claims on a quarterly basis for actual expenditures only. The monies to support this 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 38 counties and 2 cities state-wide.