

**South Carolina General Assembly**  
125th Session, 2023-2024

Download [This Bill](#) in Microsoft Word format

**A74, R90, S96**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen, Davis, McElveen, Cromer, Kimpson and Hutto

Document Path: SFGF-0002BC23.docx

Introduced in the Senate on November 30, 2022

Introduced in the House on June 7, 2023

Last Amended on June 7, 2023

Currently residing in the Senate

Summary: Boating safety and education program

**HISTORY OF LEGISLATIVE ACTIONS**

| <b>Date</b> | <b>Body</b> | <b>Action Description with journal page number</b>                                                                                                                                                                                                                                                    |
|-------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6/7/2023    | House       | Ordered enrolled for ratification ( <a href="#">House Journal-page 43</a> )                                                                                                                                                                                                                           |
| 11/30/2022  | Senate      | Prefiled                                                                                                                                                                                                                                                                                              |
| 11/30/2022  | Senate      | Referred to Committee on <b>Fish, Game and Forestry</b>                                                                                                                                                                                                                                               |
| 1/10/2023   | Senate      | Introduced and read first time ( <a href="#">Senate Journal-page 58</a> )                                                                                                                                                                                                                             |
| 1/10/2023   | Senate      | Referred to Committee on <b>Fish, Game and Forestry</b> ( <a href="#">Senate Journal-page 58</a> )                                                                                                                                                                                                    |
| 2/2/2023    | Senate      | Committee report: Favorable with amendment <b>Fish, Game and Forestry</b>                                                                                                                                                                                                                             |
| 2/6/2023    |             | Scrivener's error corrected                                                                                                                                                                                                                                                                           |
| 2/14/2023   | Senate      | Committee Amendment Adopted ( <a href="#">Senate Journal-page 16</a> )                                                                                                                                                                                                                                |
| 2/14/2023   | Senate      | Amended ( <a href="#">Senate Journal-page 16</a> )                                                                                                                                                                                                                                                    |
| 2/14/2023   | Senate      | Read second time ( <a href="#">Senate Journal-page 16</a> )                                                                                                                                                                                                                                           |
| 2/14/2023   | Senate      | Roll call Ayes-43 Nays-0 ( <a href="#">Senate Journal-page 16</a> )                                                                                                                                                                                                                                   |
| 2/15/2023   | Senate      | Read third time and sent to House ( <a href="#">Senate Journal-page 7</a> )                                                                                                                                                                                                                           |
| 2/15/2023   | Senate      | Roll call Ayes-40 Nays-0 ( <a href="#">Senate Journal-page 7</a> )                                                                                                                                                                                                                                    |
| 2/16/2023   | House       | Introduced and read first time ( <a href="#">House Journal-page 19</a> )                                                                                                                                                                                                                              |
| 2/16/2023   | House       | Referred to Committee on <b>Judiciary</b> ( <a href="#">House Journal-page 19</a> )                                                                                                                                                                                                                   |
| 4/19/2023   | House       | Committee report: Favorable <b>Judiciary</b> ( <a href="#">House Journal-page 26</a> )                                                                                                                                                                                                                |
| 4/20/2023   | House       | Requests for debate-Rep(s). Wooten, W Newton, Forrest, Jordan, Brittain, Elliot, B Newton, Hiott, Guffey, O'Neal, Harris, Guest, Hewitt, Robbins, Landing, Hartnett, Leber, White, Gibson, Gavin, Brewer, May, Vaughan, TA Morgan, Willis, BJ Cox, Williams ( <a href="#">House Journal-page 15</a> ) |

| Date      | Body   | Action Description with journal page number                                                                                       |
|-----------|--------|-----------------------------------------------------------------------------------------------------------------------------------|
| 4/27/2023 | House  | Amended ( <a href="#">House Journal-page 38</a> )                                                                                 |
| 4/27/2023 | House  | Debate adjourned until Tues., 5-2-23 ( <a href="#">House Journal-page 38</a> )                                                    |
| 5/2/2023  | House  | Amended ( <a href="#">House Journal-page 38</a> )                                                                                 |
| 5/2/2023  | House  | Read second time ( <a href="#">House Journal-page 38</a> )                                                                        |
| 5/2/2023  | House  | Roll call Yeas-110 Nays-8 ( <a href="#">House Journal-page 40</a> )                                                               |
| 5/3/2023  | House  | Read third time and returned to Senate with amendments ( <a href="#">House Journal-page 78</a> )                                  |
| 5/9/2023  | Senate | House amendment amended ( <a href="#">Senate Journal-page 98</a> )                                                                |
| 5/9/2023  | Senate | Roll call Ayes-44 Nays-0 ( <a href="#">Senate Journal-page 98</a> )                                                               |
| 5/9/2023  | Senate | Returned to House with amendments ( <a href="#">Senate Journal-page 98</a> )                                                      |
| 5/10/2023 | House  | Non-concurrence in Senate amendment ( <a href="#">House Journal-page 41</a> )                                                     |
| 5/10/2023 | House  | Roll call Yeas-2 Nays-104 ( <a href="#">House Journal-page 41</a> )                                                               |
| 5/11/2023 | Senate | Senate insists upon amendment and conference committee appointed Campsen, Hutto, Davis ( <a href="#">Senate Journal-page 44</a> ) |
| 5/11/2023 | House  | Conference committee appointed Henegan, Elliott, Wooten ( <a href="#">House Journal-page 59</a> )                                 |
| 5/11/2023 | House  | Debate adjourned until Tues., 5-16-23 ( <a href="#">House Journal-page 83</a> )                                                   |
| 5/11/2023 | Senate | Conference report received and adopted ( <a href="#">Senate Journal-page 45</a> )                                                 |
| 5/11/2023 | Senate | Roll call Ayes-43 Nays-0 ( <a href="#">Senate Journal-page 45</a> )                                                               |
| 5/16/2023 | House  | Debate adjourned ( <a href="#">House Journal-page 20</a> )                                                                        |
| 6/7/2023  | House  | Conference report received and adopted ( <a href="#">House Journal-page 36</a> )                                                  |
| 6/7/2023  | House  | Roll call Yeas-97 Nays-7 ( <a href="#">House Journal-page 42</a> )                                                                |
| 6/7/2023  | House  | Ordered enrolled for ratification                                                                                                 |
| 6/14/2023 |        | Ratified R 90                                                                                                                     |
| 6/19/2023 |        | Signed By Governor                                                                                                                |
| 6/26/2023 |        | Effective date 08/18/23                                                                                                           |
| 6/26/2023 |        | Act No. 74                                                                                                                        |

View the latest [legislative information](#) at the website

## VERSIONS OF THIS BILL

[12/02/2022](#)

[02/02/2023](#)

[02/06/2023](#)

[02/14/2023](#)

[04/19/2023](#)

[04/27/2023](#)

[05/02/2023](#)

[05/09/2023](#)

[06/07/2023](#)

---

(Text matches printed bills. Document has been reformatted to meet World Wide Web specifications.)

(A74, R90, S96)

**AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION [50-21-10](#), RELATING TO DEFINITIONS, SO AS TO DEFINE "PERSONAL WATERCRAFT" AND "SPECIALTY PROPCRAFT"; BY AMENDING SECTION [50-21-90](#), RELATING TO THE BOATING SAFETY AND EDUCATIONAL PROGRAM, SO AS TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES TO ISSUE A BOATING SAFETY CERTIFICATE UPON THE COMPLETION OF CERTAIN REQUIREMENTS; BY ADDING SECTION [50-21-95](#) SO AS TO PROVIDE THAT IT IS UNLAWFUL FOR A PERSON TO OPERATE CERTAIN WATERCRAFT ON THE WATERS OF THIS STATE WITHOUT POSSESSING A BOATING SAFETY CERTIFICATE, WITH CERTAIN EXCEPTIONS; AND BY AMENDING SECTION [50-21-870](#), RELATING TO PERSONAL WATERCRAFT AND BOATING SAFETY, SO AS TO REMOVE THE DEFINITION OF "PERSONAL WATERCRAFT" AND TO REMOVE A BOATING PROHIBITION.**

Be it enacted by the General Assembly of the State of South Carolina:

### **Definitions**

SECTION 1. Section [50-21-10](#)(20) through (29) of the S.C. Code are amended to read:

(20) "Personal watercraft" means a vessel, usually less than sixteen feet in length, that uses an inboard motor powering a water jet pump as its primary source of propulsion and that is intended to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the confines of the hull.

(21) "Reportable boating accident" means an accident, collision, or other casualty involving a vessel subject to this chapter which results in loss of life, injury which results in loss of consciousness, necessity for medical treatment, necessity to carry a person from the scene, disability which prevents the discharge of normal duties beyond the day of casualty, or actual physical damage to property including vessels in excess of the minimum amount set by the United States Coast Guard for reportable accidents.

(22) "Serial number" means the identifying manufacturer's number affixed to a watercraft before November 2, 1972, and to outboard motors before, on, and after that date. The serial number of watercraft manufactured after November 1, 1972, is part of the hull identification number.

(23) "Specialty propcraft" means a vessel that is similar in appearance and operation to a personal watercraft but is powered by an outboard or propeller-driven motor.

(24) "Temporary certificate of number" is a temporary registration assigned to a vessel to allow operation for a limited purpose.

(25) "Tender" means a small watercraft attendant to a larger vessel that meets United States Coast Guard requirements and is used solely for ferrying supplies or passengers and crew between its parent vessel and shore.

(26) "Use" means operate, navigate, or employ.

(27) "Vessel" means every description of watercraft, other than a seaplane regulated by the federal government, used or capable of being used as a means of transportation on water.

(28) "Water device" means a motorboat, boat, personal watercraft or vessel, water skis, an aquaplane, surfboard, or other similar device.

(29) "Waters of the State" means waters within the territorial limits of the State but not private lakes or ponds.

(30) "Watercraft" means anything used or capable of being used as a means of transportation on the water but does not include: a seaplane regulated by the federal government, water skis, aquaplanes, surfboards, windsurfers, tubes, rafts, and similar devices or anything that does not meet construction or operational requirements of the state or federal government for watercraft.

(31) "Wake surf" means to operate a vessel that is ballasted in the stern so as to create a wake that is, or is intended to be, surfed by another person.

### **Boating safety and educational program**

SECTION 2. Section [50-21-90](#) of the S.C. Code is amended to read:

Section [50-21-90](#). (A) The department must administer a boating safety education course and may approve of additional boating safety education courses. A list of approved courses must be provided on the department's website.

(B) The following persons must be issued a South Carolina boating safety certificate in both physical and electronic forms by the department:

(1) a person who successfully completes a boating safety education course administered or approved by the department;

(2) a person who provides satisfactory proof to the department that the person was issued a boating safety certificate, or an equivalency, by another state; and

(3) a person who provides satisfactory proof to the department that the person was issued a license to operate a vessel by the United States Coast Guard or was issued a merchant mariner credential by the United States Coast Guard.

(C) The department must approve of one or more boat rental safety education courses to be taken by persons renting a vessel, personal watercraft, or specialty propcraft from businesses engaged in the renting of vessels, personal watercrafts, or specialty propcrafts. A person who completes a boat rental safety education course approved by the department must be issued a boat rental safety certificate in either electronic or physical form in the person's name. A boat rental safety certificate is valid for thirty days from the date of issuance and only while operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts.

(D) The department must maintain a database of all persons issued a South Carolina boating safety certificate.

### **Lawful operation of certain vessels, penalties**

SECTION 3. Article 1, Chapter 21, Title 50 of the S.C. Code is amended by adding:

Section [50-21-95](#). (A) It is unlawful for a person to operate upon the waters of this State a vessel powered by an engine of ten horsepower or greater or equivalent to ten horsepower or greater, a personal watercraft, or a specialty propcraft unless the person:

(1) was born on or before July 1, 2007;

(2) is in possession of a South Carolina boating safety certificate issued in the person's name or is documented by the department as having been issued a South Carolina boating safety certificate;

(3) is in possession of a license to operate a vessel issued by the United States Coast Guard in the person's name, regardless of the expiration date on the license;

- (4) is in possession of a merchant mariner credential issued by the United States Coast Guard in the person's name, regardless of the expiration date on the credential;
- (5) is a nonresident in possession of a boating safety certificate, or an equivalency, issued by another state in the nonresident's name;
- (6) is operating a vessel, personal watercraft, or specialty propcraft from a business engaged in the renting of vessels, personal watercrafts, or specialty propcrafts and is in possession of a valid boat rental safety certificate issued in the person's name; or
- (7) is accompanied by a person at least eighteen years old who meets one of the criteria in items (1) through (5) of this subsection.

(B) A person who is adjudicated to be in violation of this section must be fined not less than fifty dollars and not more than three hundred dollars, no part of which may be suspended. No court costs, assessments, or surcharges may be assessed against a person who violates this section. A custodial arrest for a violation of this section must not be made, except upon a warrant issued for failure to appear in court when summoned or for failure to pay an imposed fine. A violation of this section does not constitute a criminal offense and must not be included in the records maintained by the department or in the records maintained by SLED.

### **Personal watercraft**

SECTION 4. Section [50-21-870](#)(A) of the S.C. Code is amended to read:

(A) As used in this section:

- (1) "Class 'A' boat" means a motorboat which is less than sixteen feet in length.
- (2) "Floating device" includes kneeboards, aqua planes, surfboards, saucers, inner tubes, and other similar equipment.

### **Boating safety**

SECTION 5. Section [50-21-870](#)(B)(9) and (10) of the S.C. Code are amended to read:

(9) wake surf in excess of idle speed within two hundred feet of a moored vessel, wharf, dock, bulkhead, pier, or person in the water.

### **Severability**

SECTION 6. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

### **Time effective**

SECTION 7. This act takes effect sixty days after approval by the Governor.

Ratified the 14th day of June, 2023.

Approved the 19th day of June, 2023.

---

This web page was last updated on July 11, 2023 at 1:43 PM