



RBOC

Protecting your boating interests.



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FALL 2019

BOATER BRIEF

2019 Legislation

The State Legislature adjourned the first year of the two-year, 2019-2020 legislative session on September 13. By that date, measures had to pass the Legislature and proceed to the Governor for his consideration. The key legislation and their status:

Definition of Boat Operator



RBOC supports the provisions of AB 1183 that revises the definition of “operator” of a vessel to mean the person aboard a vessel who meets any of the following:

- Is steering the vessel while underway;
- Is responsible for the operation of the vessel while underway; or
- Is at least 18 years of age and is attentive and supervising the operation of the vessel by a person 12, 13, 14, or 15 years of age.

This legislation will enhance safety on the state’s waterways by clarifying that an adult is responsible for the children he or she allows to operate the vessel.

AB 1183 [Ramos] – enacted into law

Vessel Impoundment - BUI

Thanks to the efforts of the author, RBOC has removed its opposition to SB 393 as amended on August 22 to exempt a public or private marina owner from liability for damage to an impounded vessel except for damage caused by the marina owner’s acts or omissions constituting gross negligence or willful or wanton misconduct.

The amendment addresses and resolves RBOC’s concerns that the prior version of the bill could have resulted in a boat being impounded and placed in a marina and that, in those situations, there should be statutory protections for any marina in which an impounded vessel is placed, especially against any potential damages.

RBOC continues to support the objective of SB 393 to authorize a court to impound a vessel after a conviction of boating under the influence [BUI] if the conduct resulted in the unlawful killing of a person.

SB 393 [Stone] – has passed the Legislature and is on the Governor’s desk

Boater Rights Aboard Their Vessels

Legislation aimed at preventing smoking in state parks will not be interpreted as prohibiting boaters from deciding to smoke within the confines of their own private vessels.

AB 1718 [Levine] and SB 8 [Glazer] – have passed the Legislature and are now on the Governor’s desk.

12-Month Fishing License

RBOC is supporting these bills that would provide that a sport fishing license is valid for 12 consecutive months, instead of a calendar year.

AB 1387 [Wood] – not moving forward this year

AB 1227 [Oberholte] – amended to address a different issue



California Boating and Fishing Week

RBOC supported this resolution proclaiming the week of June 1 through June 9, 2019 as California Fishing and Boating Week.

ACR 81 [Gipson] - enacted

Office of Sustainable Outdoor Recreation

RBOC supports the goal of promoting sustainable outdoor recreation as well as economic development and job growth within the outdoor recreation economy provided the new entity does not tap into boater funds utilized for other programs.

AB 1111 [Friedman] – not moving forward this year

State Government

State Parks Reorganization Plan

As State Parks implements its Reorganization Plan, it is important that the Governor appoint a permanent Deputy Director of the Division of Boating and Waterways [DBW] who has the vision, leadership, authority, oversight, accountability and transparency to ensure that boating programs and services are continued and enhanced.



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Boater Funds Dedicated to Boater Programs

It is critical that boater fuel tax dollars and registration fees are dedicated to programs and services benefiting boaters.

RBOC is pleased that the Legislature has passed, and Governor has signed, a state budget for the fiscal year that began on July 1 that provides the Division of Boating and Waterways [DBW] in State Parks with a beginning balance of \$68 million with funds for state operations, local assistance, capital outlay, aquatic center grants, implementation of the California Boater Card program, life jacket outreach and loaner programs, K-12 boating safety education, boating safety and environmental awareness, invasive species prevention, boating law enforcement, vessel turn-in efforts, and other programs and services.

RBOC will be participating as DBW initiates stakeholder discussions about the Harbors and Watercraft Revolving Fund and the structural budgetary issues that challenge the fund.

Regional and Local Issues Copper-based Anti-fouling Paints



California boaters are concerned as regional water boards adopt regulations impacting the ability of boaters to utilize effective antifouling paints containing copper, without conducting the site specific studies that would provide data that pertains to the impacted water bodies.

RBOC is engaged with County boaters, advocating to prevent new copper reduction programs that will mandate boat paint conversions, hull

cleaning best management practices, and hull cleaning certification programs until alternatives are available, effective and affordable.

This is in response to the proposal by the California Regional Water Quality Control Board, Santa Ana Region to amend the Water Quality Control Plan for the Santa Ana River Basin to incorporate Total Maximum Daily Loads for copper in Newport Bay.

Boating and the Sacramento-San Joaquin Delta



RBOC opposes the California WaterFix that, as revised to one tunnel, would still significantly impede navigation and harm Delta recreation. Instead, efforts should be made to provide additional water storage capacity.

Regulatory Overreach [BCDC]

RBOC urges boaters throughout the San Francisco Bay Area to contact their state legislators and urge them to follow-up on the findings of a recent state audit and pursue the essential reforms to ensure that the San Francisco Bay Conservation and Development Commission [BCDC] performs its key responsibilities in a fair, consistent and timely manner. This is important to ensure that the thousands of bay area boaters have access to marinas and boatyards.

There are several actions that would advance this effort. For instance, the size of the commission should be reduced from 27, as it is too large to provide effective governance. Also, the statutorily-mandated Citizens' Advisory Committee [CAC] should be re-activated.

*California State Auditor
Released May 2019*

Join our Cause – Become a Friend of RBOC

Joining the Friends of RBOC is the best and easiest way to show your support! Your contribution at any level helps RBOC continue the grassroots effort and advocacy activities needed in California to ensure boaters can continue to enjoy boating!

By contributing at least \$20 each year for the 2019 year, and providing your email address, you will be included in exclusive communications from RBOC about upcoming boating issues and successes.

www.rboc.org/friendssignup

\$20 Bronze

\$50 Silver

\$100 Gold

\$500 Platinum

Please note that, due to RBOC's extensive lobbying activities, contributions are not tax deductible.

