

National Association of State Boating Law Administrators Policy Position on Reciprocity

Date: July 8, 2009

Committee: Education & Awareness Committee, Boating Course Administration Subcommittee

Definitions:

- **Certificate-** means a boating education safety certificate or card issued as evidence of successful completion of a course in safe boating or successful passage of an equivalency examination to meet the requirements of the state for which it is issued.
- **NASBLA Approved Course-** a course in safe boating approved by the National Association of State Boating Law Administrators that meets the minimum course content of the National Boating Education Standards.
- **Home state-** state of permanent residency
- **Nonresident-** a person not a resident of a particular state.
- **Nonresident's Operating Privilege-** The privilege granted upon a nonresident by the laws of a state pertaining to the operation of a vessel.
- **Reciprocity:** Black's Law Dictionary, Sixth Edition, defines reciprocity as "a term that is used to denote the relation existing between two states when each of them give the subjects of the other certain privileges on the condition that its own subjects shall enjoy similar privileges at the hands of the latter state."
- **NASBLA defines reciprocity as,** "If a boater successfully completes an approved boating safety course in his home state, then that boater's safety course completion will be considered acceptable when that boater is temporarily operating a boat in another state."

Reciprocity does not mean that all states must use the same course provider(s) or the same examination process for their certification. Therefore, a state that accepts a boater's certification from another state is under no obligation to allow their state's boaters to earn certification by taking a course from that same course provider or via that same examination process.

Background: The Federal Boating Safety Act of 1971 was intended to promote greater uniformity and reciprocity in boating laws among the states and the federal government. Over time, state boating laws have been passed by state legislatures adding to the complexity and confusion for the average boater attempting to answer the question: "Will the boating safety course certificate issued by my state be accepted in other states?" In March of 2008, a survey on reciprocity was conducted by NASBLA. The membership reported that 96% of the states accept other states' certificates or course completions for boating safety courses while 80% of the states use or allow other resources or course

providers besides their own state personnel to teach the boating public in their state. According to the survey, there were only five or six states that placed limitations on reciprocity with other states. These limitations are often because the state laws require proctored examinations, different minimum age requirements or restrictions on operation of specific motor sizes and vessel types, such as a personal watercraft, when operating a vessel in their state.

In March of 2009, another survey on reciprocity was conducted by NASBLA. The membership reported that all but 4 states maintain course and student information on a data base. The data base is maintained by the State and all states issue state certificates or authorize a vendor to issue a state certificate. The survey also pointed out that a visitor from another state who has a state issued certificate with the NASBLA approval would be allowed to operate a motorboat in any state that has mandatory boating education.

The National Association of State Boating Law Administrators Inc. has functioned effectively as the voice of the states and territories regarding state boating law enforcement and boating safety. Today, NASBLA coordinates approval of state and private boating education programs, promotes uniform boating regulations through the adoption of model acts and policies, develops methods to improve the nation's boating accident database, fosters cooperation between the U.S. Coast Guard and the states, and strives for the general advancement of boating safety.

NASBLA developed its minimum content for boating education courses more than a decade ago. The purpose of these standards is to educate boating education professionals regarding the practices and procedures followed generally within the boating education community. That purpose is furthered to the extent that the standards provide a basis for accreditation of boating education courses by the National Association of State Boating Law Administrators (NASBLA).

Two distinct issues regarding reciprocity were identified by the NASBLA Boating Course Administration Subcommittee in 2009:

- **State acceptance of a boating safety course certificate when a person changes state residency:** When a person changes residency, the state law in the new state of residency will determine whether that person must take another boating safety course approved by the new state or may challenge the exam of the boating safety course or that state will accept the person's boating safety course completion from his former home state. If the course is NASBLA approved, the new state of residency should either accept the certificate issued by the former home state or provide a mechanism for the person to take an equivalency test, covering state specific boating information in accordance with NASBLA's National Boating Education Standard 8, in order to become a certified boater in the new state of residency.

- **State-issued boating education certificates versus course provider-issued certificates upon successful completion of a boating safety course:** Many states will not accept a certificate as proof of successful completion of a boating safety course unless a state agency has issued that certificate. All temporary or permanent issued certificates will display the name of the state and the name and logo of the approving agency, name and address of student(legal residence), certificate number, date issued, date of birth, gender, hair color, eye color, NASBLA approved wording and logo, course type, course provider and bar code. This will also help to prevent fraudulent manipulation of issued certificates. The States reserve the right to allow or contract with a third party to create and distribute certification cards as long as state requirements are met. To enhance reciprocity between states, NASBLA recommends the states provide a state issued certification card when requested if the course provider's course is state approved and accepted. NASBLA also recommends that each state maintain a data base of student and course information with the following minimum data elements: Name, mailing address, legal address, phone number, DOB, eye color, hair color, height, weight, gender, certification number, course provider and date course completed. We also recommend that states work with international visitors possessing certification from their home country. In the case of a certificate with a Transport Canada logo and the NASBLA approval we recommend that all states honor that certificate for temporary operation of a motorboat by a visitor in their state.

National Association of State Boating Law Administrators Policy:

The National Association of State Boating Law Administrators meeting on September ____, 2009, endorses, supports and encourages the efforts by its member states to foster better cooperation and reciprocity between and among the states by accepting **NASBLA**-approved boating safety certificates as proof of successful completion of boating safety courses thus allowing the citizens of member states to safely enjoy boating experiences in whatever state they chose and promoting reciprocity and uniform state boating laws across the country.

References:

1. NASBLA website- NASBLA Vision Statement (www.nasbla.org)
2. NASBLA Strategic Plan, Version FY08.1, Goal#1, Objective 1.4
3. NASBLA Strategic Plan, Version FY08.1, Goal #2, Objective 2.2, Strategy 2.2.2
4. Black's Law Dictionary, Sixth Edition
5. Summary of the 2009 Reciprocity Survey