COMMITTEE REPORT

March 31, 2021

**S. 29**

Introduced by Senators Hutto and McElveen

S. Printed 3/31/21--S.

Read the first time January 12, 2021.

**THE COMMITTEE ON FISH, GAME AND FORESTRY**

To whom was referred a Bill (S. 29) to amend Article 1, Chapter 21, Title 50 of the 1976 Code, relating to the equipment and operation of watercraft, by adding Section 50-21-107, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/SECTION 1. Section 50‑21‑10 of the 1976 Code is amended by adding two appropriately numbered new items to read:

“( ) ‘Personal watercraft’ means a vessel, usually less than sixteen feet in length, that uses an inboard, internal combustion engine 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. ‘Personal watercraft’ includes a vessel commonly known as a ‘jet ski’.

( ) ‘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.”

SECTION 2. Article 1, Chapter 21, Title 50 of the 1976 Code is amended by adding:

“Section 50‑21‑107. (A) For the purposes of this section:

(1) ‘Acceptable electronic format’ means an electronic image produced on a person’s cellular phone or other portable electronic device that displays all of the information in a policy declaration or other documentation as clearly as a paper policy declaration or other documentation.

(2) ‘Proof of insurance’ shall consist of a policy declaration page or other documentation, or a copy of a policy declaration page or other documentation available in an acceptable electronic format that can be carried on a watercraft, personal watercraft, or specialty propcraft that reflects the watercraft, personal watercraft, or specialty propcraft coverage furnished to an insured by an insurance company. The presentment of proof of insurance in an acceptable electronic format does not:

(a) authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(b) expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

(B) It shall be unlawful for the owner of a watercraft of more than fifty horsepower, or a personal watercraft or specialty propraft, to allow the operation of the watercraft, personal watercraft, or specialty propcraft unless it is covered by a liability insurance policy that has been issued by an insurance company. The insurance policy must provide at least fifty thousand dollars of combined liability coverage for bodily injury to others, or the destruction of the property of others, resulting from any one occurrence.

(C) Each applicant for a watercraft title and registration and each applicant for a registration renewal of a watercraft of more than fifty horsepower, or a personal watercraft or specialty proprcraft, shall certify to the department that the watercraft, personal watercraft, or specialty propcraft is covered by an insurance policy as required in subsection (B).

(D) Insurance companies shall not be required to provide proof of insurance that may be conveniently carried if the insurance coverage is provided as part of a homeowner’s insurance policy. Insurance companies are not required to notify the department of any lapse or cancelation in insurance coverage.

(E)(1) If a watercraft, personal watercraft, or specialty propcraft is involved in an accident, then failure to present proof of insurance coverage that meets the requirements of this section creates a rebuttable presumption that the watercraft, personal watercraft, or specialty propcraft is uninsured.

(2) Upon a showing that liability coverage required by this section was in effect at the time of an incident, a judge may dismiss a charge imposed under this section, and the penalties may not be imposed. However, if the operator of a watercraft, personal watercraft, or specialty propcraft is involved in an accident on the waters of this State and the watercraft, personal watercraft, or specialty propcraft is not insured as required by this section, then the owner of the watercraft, personal watercraft, or specialty propcraft shall be deemed guilty of a misdemeanor.

(F) A person who violates the provisions of this section:

(1) for a first offense, must be fined not less than fifty dollars and not more than two hundred fifty dollars;

(2) for a second offense, must be fined not less than two hundred fifty dollars and not more than five hundred dollars; and

(3) for a third or subsequent offense, must be fined not less than five hundred dollars and not more than one thousand dollars, imprisoned for up to one year, or both.

(G) All fines collected pursuant to this section shall be deposited into the general fund and credited to the department for the purpose of establishing, maintaining, and operating a program for boater training and boater safety throughout the State.

(H) This section does not apply to a watercraft, personal watercraft, or specialty propcraft owned by the United States, a state government, or any political subdivision thereof.”

SECTION 3. This act takes effect January 1, 2022. /

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**A** **BILL**

TO AMEND ARTICLE 1, CHAPTER 21, TITLE 50 OF THE 1976 CODE, RELATING TO THE EQUIPMENT AND OPERATION OF WATERCRAFT, BY ADDING SECTION 50-21-107, TO PROVIDE THAT OWNERS OF WATERCRAFT OF MORE THAN FIFTY HORSEPOWER MUST CARRY LIABILITY INSURANCE OF AT LEAST FIFTY THOUSAND DOLLARS OF COVERAGE PER OCCURRENCE, TO PROVIDE PENALTIES, AND TO PROVIDE FOR THE COLLECTION OF FINES.

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

SECTION 1. Article 1, Chapter 21, Title 50 of the 1976 Code is amended by adding:

“Section 50-21-107. (A) For the purposes of this section:

(1) ‘Acceptable electronic format’ means an electronic image produced on a person’s cellular phone or other portable electronic device that displays all of the information in a policy declaration or other documentation as clearly as a paper policy declaration or other documentation.

(2) ‘Proof of insurance’ shall consist of a policy declaration page or other documentation, or a copy of a policy declaration page or other documentation available in an acceptable electronic format that can be carried on a watercraft, that reflects the watercraft coverage furnished to an insured by an insurance company. The presentment of proof of insurance in an acceptable electronic format does not:

(a) authorize a search of any other content of an electronic device without a search warrant or probable cause; or

(b) expand or restrict the authority of a law enforcement officer to conduct a search or investigation.

(B) It shall be unlawful for the owner of a watercraft of more than fifty horsepower to allow the operation of the watercraft unless it is covered by a liability insurance policy that has been issued by an insurance company. The insurance policy must provide at least fifty thousand dollars of liability coverage per occurrence.

(C) The department must require proof of insurance to be provided for all watercraft title and registration applications and registration renewal applications. Each applicant shall provide the department with proof of insurance for a watercraft liability insurance policy or a general liability insurance policy with a watercraft liability endorsement that provides at least fifty thousand dollars of liability coverage per occurrence.

(D) Insurance companies shall not be required to provide proof of insurance that may be conveniently carried if the insurance coverage is provided as part of a homeowner’s insurance policy.

(E)(1) If a watercraft is involved in an accident, then failure to present proof of insurance coverage that meets the requirements of this section creates a rebuttable presumption that the watercraft is uninsured.

(2) Upon a showing that liability coverage required by this section was in effect at the time of an incident, a judge may dismiss a charge imposed under this section, and the penalties may not be imposed. However, if the operator of a watercraft is involved in an accident on the waters of this State and the watercraft was not insured as required by this section, then the owner of the watercraft shall be deemed guilty of a misdemeanor.

(F) A person who violates the provisions of this section:

(1) for a first offense, must be fined not less than fifty dollars and not more than two hundred fifty dollars;

(2) for a second offense, must be fined not less than two hundred fifty dollars and not more than five hundred dollars; and

(3) for a third or subsequent offense, must be fined not less than five hundred dollars and not more than one thousand dollars, imprisoned for up to one year, or both.

(G) All fines collected pursuant to this section shall be deposited into the general fund and credited to the department for the purpose of establishing, maintaining, and operating a program for boater training and boater safety throughout the State.

(H) This section does not apply to a motorboat or personal watercraft owned by the United States, a state government, or any political subdivision thereof.**”**

SECTION 2. This act takes effect upon approval by the Governor.

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