

Committee Report

CONSENT CALENDAR

February 11, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Resources, Recreation and Development to which was referred HB 115,

AN ACT relative to wake surfing. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Jim Creighton

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 115
Title:	relative to wake surfing.
Date:	February 11, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill addresses the safety of wake-surfers by requiring them to wear personal flotation devices and use only boats with propulsion systems designed for wake-boarding. These requirements bring wake-surfing safety rules in line with those of other water sports. To provide for the safety of New Hampshire residents and guests, the committee recommends approval of this bill. This bill results from the work of the 2019 Commission to Study Wake Boats (Ch. 77, Laws of 2019).

Vote 19-1.

Rep. Jim Creighton
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 115, relative to wake surfing. **OUGHT TO PASS.**

Rep. Jim Creighton for Resources, Recreation and Development. The Resources, Recreation and Development committee approved HB 115 relative to wake surfing safety by a vote of 19 – 1. The bill addresses the safety of wake surfers by requiring them to wear personal flotation devices and use only boats with propulsion systems designed for wake-boarding. These requirements bring wake-surfing safety rules in line with those of other water sports. To provide for the safety of New Hampshire residents and guests, the committee recommends approval of HB115. This bill results from the work of the 2019 Commission to Study Wake Boats (Chapter Law 77:1).

Vote 19-1.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 115

BILL TITLE: relative to wake surfing.

DATE: February 3, 2021

LOB ROOM: Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. Creighton

Seconded by Rep. Connors

Vote: 19-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on

BILL TITLE: HB 115

DATE: 02/03/21

LOB ROOM: 306/308

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. Creighton Seconded by Rep. Connor Vote: 19/1

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Juliet Harvey-Bolia
Rep Juliet Harvey-Bolia, Clerk



2021 SESSION

Resources, Recreation and Development

Bill #: HB 115 Motion: OTP AM #: _____ Exec Session Date: 02/03/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.	✓		
Creighton, Jim L.	✓		
Dodge, Dustin		✓	
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Rung, Rosemarie			
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
	19	1	

Hearing Minutes

1:26 PM the hearing was closed.

2:03 AM. Hearing for HB 115 was opened.

Rep. Smith, prime sponsor relative to wake surfing, speaks in favor of the bill as a safety measure.

Rep. Gunski served on the Wake Boat Commission and speaks in favor of the bill.

Michelle Davis, a lobbyist representing for NH Lakes, spoke in favor of the bill.

Rep. Silber withdrew his objection to the legislation.

Capt. Tim Dunleavy, State Dept. of Marine Patrol Unit spoke in favor of the bill and provides the same safety measures that apply to water skiing and addresses routine violations.

2:29 PM Chair Renzullo closed the hearing

2:30 PM Executive session opened.

Rep. Creighton has water-skiied for many years and spoke in favor of the bill.

There was confusion about when the hearing closed and so Peter MaCallum a marina owner and President of the NH Marine Trades Association answered Rep. Post's question about motors on boats.

2:34 PM The executive session was re-opened.

Rep. Post wondered about making an amendment and then withdrew it.

Rep. Crighton made the motion that HB 115 OTP, and Rep. Connor seconded it.

The clerk called the roll for the vote.

The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo,	X	
Rep. Gunski,	X	
Rep. Gould	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge		X
Rep. Harvey-Bolia	X	
Rep. Healey	X	
Rep. Mayville	X	
Rep. Post	X	
Rep. Smith	X	
Rep. Spang	X	
Rep. Grassie	X	
Rep. Gottling	X	
Rep. Cohen	X	
Rep. Connors.	X	
Rep. Vail	X	
Rep. Kelley	X	
Rep. Moran	X	

19 Yeas, 1 Nays. HB 115 passed and was placed on the consent calendar.

~~Testimony~~

Bill as
Introduced

HB 115 - AS INTRODUCED

2021 SESSION

21-0088
11/04

HOUSE BILL ***115***

AN ACT relative to wake surfing.

SPONSORS: Rep. Suzanne Smith, Graf. 8; Rep. MacDonald, Carr. 6; Rep. Gunski, Hills. 6; Rep. Fellows, Graf. 8; Rep. Wuelper, Straf. 3; Sen. Ward, Dist 8; Rep. Gottling, Sull. 2; Rep. Deshaies, Carr. 6

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill defines and regulates "wake surfing."

This bill is a result of 2019, 77, the commission to study wake boats.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to wake surfing.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Boating and Water Safety; Definitions; Wake Surfing. Amend RSA 270-D:1
2 by inserting after paragraph XII the following new paragraph:

3 XII-a. "Wake surfing" means a person using a surfboard, wakeboard, or similar device to
4 ride on or in the wake directly behind a vessel that is underway. Wake surfing shall not include a
5 person who is water skiing.

6 2 Boating and Water Safety; Wake Surfing. Amend RSA 270-D:3 to read as follows:

7 270-D:3 Motorboats Towing Water Skiers and Aquaplanes.

8 I.(a) No person shall operate a motorboat while towing water skiers, aquaplanes, or similar
9 devices, *or while engaged in wake surfing*, unless another person is present in the motorboat
10 who is physically able to observe and assist the person or appurtenance being towed *or wake*
11 *surfing*. The observer shall be 13 years of age or older.

12 (b) For water skiers only, an observer shall not be required if the motorboat is a tow boat
13 that has been approved by the American Water Ski Association and operated by a person at least 18
14 years of age. The motorboat shall be equipped with a wide-angle mirror having a viewing surface of
15 at least 48 square inches and operated within a slalom course approved by the American Water Ski
16 Association. The course shall have a valid state police permit.

17 II. The operator of the motorboat shall be responsible for compliance with the navigation
18 requirements under this subdivision for both the vessel and the person or appurtenance being towed
19 *or wake surfing*. In addition, any person being towed by *or wake surfing behind* a motorboat
20 shall comply with all navigation rules.

21 III. No more than 6 persons may be towed on one or more inflatable tubes and no more than
22 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the
23 same time. When 3 or more persons are being towed, 2 observers, in addition to the operator, shall
24 be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this
25 paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

26 IV. Except in connection with water events and exhibitions authorized by the director, no
27 towing of water skiers, aquaplanes or similar devices shall be conducted during the period between
28 sunset and sunrise. *In addition, no person shall operate a boat engaged in wake surfing*
29 *during the period between sunset and sunrise.*

30 V. No person shall be towed on water skis or other appurtenances unless the person is
31 wearing a Coast Guard approved type 1, 2, or 3 PFD, except when directly participating or

HB 115 - AS INTRODUCED

- Page 2 -

1 competing in an American Water Ski Association approved event or exhibition, authorized by a
2 special permit issued by the director of state police.

3 *VI. No person shall engage in wake surfing unless such person is wearing a Coast*
4 *Guard approved PFD.*

5 *VII. No person shall operate a motorboat propelled by an outboard motor,*
6 *inboard/outboard motor, or water jet while a person is wake surfing in or on the wake of*
7 *such motorboat, unless the propulsion system is specifically designed by the manufacturer*
8 *for that activity.*

9 3 Effective Date. This act shall take effect 60 days after its passage.