

SENATE BILL 1954

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 6; Title 68; Title 69 and Title 70, relative to marina and boat dock safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as the "Noah Dean and Nate Act".

SECTION 2. Tennessee Code Annotated, Title 68, Chapter 102, is amended by adding the following as a new part:

68-102-601. As used in this part:

(1) "Boat dock" means a man-made structure that protrudes into a body of water for the purpose of mooring a boat or for other water-related recreation, including boat liveries, and that is connected to an electrical power source in any manner; provided, that "boat dock" does not include structures that are privately owned and used exclusively by the owner or the owner's guests for non-commercial purposes;

(2) "Boat dock operator or marina operator" means any person, whether owner or not, supervising or responsible for operating, maintaining, or repairing a boat dock or marina that is subject to this part;

(3) "Marina" means a dock, including a boat dock or basin providing moorings for motorboats and offering supply, repair, or other services, including electrical power supply, for remuneration; provided, that "marina" does not include structures that are privately owned and used exclusively by the owner or the owner's guests for non-commercial purposes;

(4) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion; provided that "motorboat" does not include a vessel with a valid marine document issued by the United States customs and border protection agency, or any successor agency;

(5) "Person" means an individual, partnership, firm, corporation, association, or other legal entity, however organized; and

(6) "Vessel" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

68-102-602.

(a) All boat dock or marina operators shall comply with the following requirements to aid in preventing electrical shock, electrocution, or injury to the users of their facilities and the surrounding areas:

(1) Effective April 1, 2015, any main overcurrent protective device that feeds a marina shall have ground-fault protection not exceeding one hundred milliamperes (100 mA). Ground-fault protection not exceeding one hundred milliamperes (100 mA) of each individual branch or feeder circuit shall be permitted as a suitable alternative. Each marina operator may determine the devices that it will utilize to achieve the one hundred milliamperes (100 mA) limit that is required by this subdivision (a)(1), including, but not limited to, the use of equipment leakage circuit interrupters or ground fault circuit interrupters;

(2) Cause an inspection to be made before April 1, 2015, and annually thereafter, by a deputy electrical inspector who is commissioned under § 68-102-143. The inspection shall include a review of all sources of electrical supply, including ship-to-shore power pedestals, submergible pumps, and sewage pump-out facilities, that could result in unsafe electrical current in the water for the purpose of ensuring compliance with

the standards for maintenance of electrical wiring and equipment contained in the National Fire Protection Association (NFPA) 303, section 5.20, 2011 edition; and

(3) Install permanent safety signage with print legible at eighty feet (80') of distance and placed to give adequate notice, to persons using the boat dock or marina or swimming area near the boat dock or marina, of the electric shock hazard risks of the waters around the boat dock or marina. The signage shall state: "ELECTRIC SHOCK HAZARD RISK: NO SWIMMING WITHIN 100 YARDS OF THE BOAT DOCK".

(b)

(1) It is an offense for any boat dock or marina operator to intentionally or knowingly violate the requirements of this section.

(2) A violation of subdivision (a)(1) that does not result in serious bodily injury or death of an individual is a Class A misdemeanor, punishable by a fine only of two thousand five hundred dollars (\$2,500).

(3) A violation of subdivision (a)(1) that results in serious bodily injury to an individual, as defined in § 39-11-106, is a Class A misdemeanor, punishable by a fine of five thousand dollars (\$5,000) and a term of imprisonment not to exceed six (6) months.

(4) A violation of subdivision (a)(1) that results in the death of an individual is a Class E felony, punishable by a fine of fifty thousand dollars (\$50,000) and a term of imprisonment not to exceed one (1) year.

(5) A violation of subdivision (a)(2) or (a)(3) is a Class A misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500).

(c) If any boat dock or marina operator who is convicted of, or pleads guilty to, an offense under this section fails to comply with the requirements of this section within ninety (90) days of the date that the judgment was entered, the state fire marshal shall declare the boat dock or marina where the violation occurred to be a threat to the public safety and order the closure of such boat dock or marina until the boat dock or marina complies with the requirements of this section.

68-102-603. The state fire marshal shall enforce this part and has the authority to promulgate rules for the efficient enforcement of its provisions. The rules shall be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. For the purpose of promulgating rules, this act shall take effect upon becoming a law, for all other purposes, this act shall take affect January 1, 2015, the public welfare requiring it.