



## TENNESSEE WILDLIFE RESOURCES AGENCY

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### MEMO

**To:** Tennessee Marinas  
**From:** Tennessee Wildlife Resources Agency, Boating and Law Enforcement Division  
**Date:** June 6, 2018  
**RE:** Legislative Update and BIG

**Senate Bill 1335** was passed April 23, 2018 and signed into law on May 16, 2018 and this may impact marinas across the state that rent watercraft. The boating education exemption for renters of watercraft has been deleted from TCA 69-9-226 beginning July 1, 2018. This is what it means to businesses that rent watercraft.

**Anyone born after January 1, 1989** must have boating education certification.

**Tennessee residents born after January 1, 1989** must pass an exam administered by an approved representative of TWRA.

**Out of state residents born after January 1, 1989** must show proof of successful completion of a National Association of State Boating Law Administrators approved boating safety course. This can be a course from their home state.

Out of state residents born after January 1, 1989 have these options to meet the requirements of the law.

1. They can take their home state boating safety course – most states accept online courses for this:  
BoaterExam.com and Boat-Ed.com have online courses and charge approximately \$30.  
Boat US Foundation provides a free online course.
2. They can do as any Tennessee resident is required to do and purchase a Type 600 Exam Permit (\$10) and take a proctored exam administered by an approved representative of TWRA.

\*\*Please note that to earn the Tennessee certification, anyone born after 1989 - Tennessee resident or non-resident, an online course is not an option – Tennessee residents and non-residents wanting the Tennessee certification must pass a proctored exam.

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If any marina operator is interested in becoming a monitor:

1. Monitors of exams must be at least 18 years old.
2. Monitors of exams must fill out an application and be background checked.
3. TWRA will set up a Proctor ID and Password for an approved monitor to test via a testing website.

### **TCA 69-9-228**

This law was passed April 23, 2018 and signed into law on May 16, 2018 and is similar to the Move Over law on land and will go into effect July 1, 2018.

Basically it requires boaters to slow to no wake within 100 feet of a law enforcement vessel displaying flashing blue lights.

### **Boating Infrastructure Grants (BIG)**

TWRA is currently considering a request from the Tennessee Marina Association to open up Tier 1 Boating Infrastructure Grants (BIG) to private marinas in Tennessee. Funds for the BIG Program are provided annually from the Sport Fish Restoration and Boating Trust Fund. The funds deposited into the Sport Fish Restoration and Boating Trust Fund are derived from excise taxes on fishing equipment, motorboat and small engine fuels, import duties, and interest on the fund.

These funds – up to \$200,000/year come to TWRA from U.S. Fish and Wildlife Service and are granted to entities to construct facilities for transient boats larger than 26 feet. For many years the TWRA has only granted Tier 1 money to government entities for such projects so as to ease competition between marinas or other locations on same bodies of water.

If TWRA decides to allow private completion for these funds, it needs to be distinctly understood that private entities will be in competition with government entities as well. A statewide ranking committee will be established to judge all eligible submittals and will use the scoring criteria adopted by the U.S. Fish and Wildlife Service through its formal rules process.

There is also Tier 2 competitive money for projects larger than \$200,000 that are submitted through TWRA to the U.S. Fish and Wildlife Service and rated on a national level.