

CANADA'S PLEASURE BOATER LICENSING REGIME

At the McCague Borlack LLP Marine Law Seminar held on June 16, 2010, we discussed issues surrounding Canada's new Pleasure Craft Operator card regime. As you know, the regime has already received criticism as ineffective and easy to circumvent. We also provided our thoughts on whether the PCO card regime would follow the trend historically exhibited by motor vehicle licensing regimes, eventually leading to more onerous examination processes and increasingly stringent compliance requirements.

To see Gosia Bawolska's recent article on the PCO card regime, [please CLICK HERE](#).

Just as we predicted, recent news reports now confirm the accuracy of our view on the future of Canada's pleasure boater licensing regime. Transport Canada has recently announced it intends to toughen standards for pleasure-boat operators. Starting this fall, the PCO card regime will undergo proposed changes. The changes are intended improve boating safety by toughening up the testing program. The changes to the PCO card regime's testing and card issuance program will take effect this coming September.

Captain John Hosty, Senior Marine Surveyor with Cunningham Lindsey Marine, commented that licensing programs will continue to be of limited effectiveness until an examination standard requires candidates to be properly examined, on water and handling a boat; similar to the program established by the Canadian Yachting Association for sailing vessels. Simply adding more questions to a test cannot fully address the issue of boater safety. He notes the insurance industry is starting to take a lead in this area by insisting on proof of competency before extending coverage to larger pleasure craft.

We will continue to update you on the changes to the law and the implications of such changes. Please stay tuned for a Joint Industry Presentation on Pleasure Craft Risk Management, coming this Fall.

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