

NASBLA MODEL ACT FOR PERSONAL WATERCRAFT

This act originally was adopted by the membership of the National Association of State Boating Law Administrators on Sept. 26, 1991, and subsequently amended Oct. 2, 1996, Sept. 10, 1997, and Sept. 16, 1998. In 2005, the NASBLA Boats & Associated Equipment and Law Enforcement Committees approved and recommended this version of the act to the NASBLA membership as part of the Association’s Model Act Review and Standardization Project. The act was approved by the membership in revised form on Sept. 21, 2005.*

*The act is intended to establish requirements for the safe operation of personal watercraft, also known as PWCs, including provisions for mandatory boating safety education and the regulation of PWC liveries.** The provisions are in addition to other boating laws and regulations that apply to recreational vessels.*

See also the NASBLA Model Act for Vessel Speed and Proximity, originally adopted Sept. 22, 1999; the Model Act for Mandatory Boating Safety Education, originally adopted Sept. 13, 2000; and the NASBLA Model Act on Use of Engine Cut-Off Switches, originally adopted on Sept. 15, 2004. All of these acts were revised and subsequently approved by the membership on Sept. 21, 2005, as part of the aforementioned Review Project.

** The original act had been included as Chapter 17 of the NASBLA “Uniform Boating Code”; the Code was designed as a guide or standard for state boating laws and regulations.*

*** The 2005 revision uses language that accommodates new and emerging technologies for engine cut-off devices.*

1 Section 1. [*Short Title.*] This act may be cited as the Personal Watercraft Act.

1 Section 2. [*Definitions.*] As used in this act:

2 (1) “Engine cut-off switch link” means the lanyard or wireless cut-off device used to attach the
3 personal watercraft operator to the engine cut-off switch installed on the personal watercraft.

4 (2) “Engine cut-off switch” means an operable emergency cut-off engine stop switch installed
5 on a motorboat and that attaches to the motorboat operator by an engine cut-off switch link.

6 (3) “NASBLA” means the National Association of State Boating Law Administrators.

7 (4) “Operate” or “Operating” means to navigate or otherwise control the movement of the
8 personal watercraft, including control of the personal watercraft’s propulsion system.

9 (5) “Operator” means the person who navigates or is otherwise in control or in charge of the
10 movement of the personal watercraft, including the personal watercraft’s propulsion system.

11 (6) “Personal flotation device” means a device that is approved by the United States Coast
12 Guard under 46 CFR Part 160.

13 (7) “Personal watercraft” shall mean a vessel, less than 16 feet, propelled by a water-jet pump
14 or other machinery as its primary source of motor propulsion which is designed to be operated by
15 a person sitting, standing or kneeling on, rather than being operated by a person sitting or
16 standing inside the vessel.

17 (8) “PFD” means a personal flotation device.

18 (9) “PWC” means personal watercraft.

19 (10) “Waters of this state” means any waters within the jurisdiction of the state.

Personal Watercraft – Approved Sept. 21, 2005

1 Section 3. [*Personal Watercraft Requirements.*]

2 (a) No person shall operate a personal watercraft unless each person aboard is wearing a
3 personal flotation device approved by the United States Coast Guard. No person aboard a
4 personal watercraft shall use an inflatable personal flotation device to meet the PFD requirement
5 of this subsection.

6 (b) No person shall operate a personal watercraft equipped by the manufacturer with a link-type
7 engine cut-off switch without attaching such link to the operator, the operator's clothing, or the
8 operator's personal flotation device as appropriate for the personal watercraft.

9 (c) No person shall operate a personal watercraft at any time between sunset and sunrise.

10 (d) No person under the age of [16] shall operate a personal watercraft on the waters of this
11 state, except a person [12] through [15] years of age may operate a personal watercraft if a
12 person at least [18] years of age is aboard the vessel.

13 (e) Every personal watercraft shall at all times be operated in a reasonable and prudent manner.
14 No person shall operate a personal watercraft in an unsafe or reckless manner. Unsafe personal
15 watercraft operation shall include, but not be limited to the following:

16 (1) Becoming airborne or completely leaving the water while crossing the wake of another
17 vessel within [100 feet] of the vessel creating the wake.

18 (2) Weaving through congested traffic.

19 (3) Operating a vessel at greater than slow/no wake speed within [100 feet] of an anchored or
20 moored vessel, shoreline, vessel underway, dock, pier, boat ramp, marina, swim float, marked
21 swim area, person in the water, person(s) engaged in angling, or any manually-propelled vessel.

22 (4) Operating contrary to the "Rules of the Road" or following too close to another vessel,
23 including another personal watercraft. For the purposes of this section, following too close shall
24 be construed as proceeding in the same direction and operating at a speed in excess of [10 MPH]
25 when approaching within [100 feet] to the rear or [50 feet] to the side of another motorboat or
26 sailboat which is underway unless such vessel is operating in a narrow channel, in which case a
27 personal watercraft may operate at speed and flow of other vessel traffic.

28 (f) No passengers shall be permitted to ride in the front of the operator.

29 (g) No passenger shall be permitted to ride aboard a personal watercraft unless he or she is able
30 to securely hold on to the person in front of them or to the handholds, and is also able to keep
31 both feet on the deck so as to maintain balance during operation.

32 (h) No person who owns a personal watercraft or who has charge over or control of a personal
33 watercraft shall authorize or knowingly permit the personal watercraft to be operated in violation
34 of this act.

COMMENT: Regarding Section 3(e)(3), special consideration should be given to the
operation of PWCs on rivers and other narrow bodies of water, particularly when the
personal watercraft is operating in strong current requiring speed greater than slow/no
wake speed to maintain steerage and make headway.

1 Section 4. [*Exemptions.*]

2 (a) The provisions of Section 3 of this act shall not apply to a person participating in an
3 officially sanctioned regatta, race, marine parade, tournament, or exhibition.

4 (b) Law enforcement officers and emergency response personnel engaged in the performance of
5 their duties shall be exempt from the provisions of this act.

Personal Watercraft – Approved Sept. 21, 2005

1 Section 5. [*Mandatory Education.*] No person born on or after [effective date minus 16 years]
2 shall operate a personal watercraft unless they have successfully completed a NASBLA-approved
3 and state certified course on safe boating or a state equivalency exam.

1 Section 6. [*Towing Water Skiers.*]

2 (a) No person shall operate a personal watercraft towing another person on water skis or other
3 device(s), unless the personal watercraft has, on board, in addition to the operator, an observer
4 who shall monitor the progress of the person(s) being towed.

5 (b) No person shall operate a personal watercraft towing another person on water skis or other
6 devices(s) unless the total number of persons operating, observing and being towed does not
7 exceed the specified number of passengers as identified by the manufacturer as the maximum safe
8 load for the vessel.

1 Section 7. [*Regulation of PWC Liveries.*]

2 (a) A PWC livery shall carry liability insurance in an amount of not less than [\$1 million dollars].

3 (b) PWC livery operators shall provide boating safety instruction in compliance with state-
4 established rules and guidelines to all operators of rental personal watercraft not having complied
5 with Section 5 of this act.

6 (c) A PWC livery shall provide to the operator(s) of rental personal watercraft in print, prior to
7 rental, the boating regulations peculiar to the area of rental, including, but not limited to, no-entry
8 zones, slow/no-wake zones, channel routes and water hazards, and tidal flow .

9 (d) A PWC livery shall provide the operator(s) of rental personal watercraft with all equipment
10 required under state law.

11 (e) A PWC livery may not lease, hire or rent a personal watercraft to any person under [18]
12 years of age.

13 (f) Any person(s) responsible for delivery of the information specified in subsections (b) and (c)
14 of this Section shall have successfully completed a NASBLA-approved and state certified course
15 on safe boating or a state equivalency exam.

COMMENT: The regulations cited in Section 7(c) may vary depending on local
circumstances.

1 Section 8. [*Effective Date.*] [Insert effective date.]