

**NASBLA MODEL ACT FOR PROPER USE AND DISPLAY OF THE DIVER-DOWN FLAG.**

*This Model Act was originally adopted by the membership on September 10, 2007. It was developed and approved by the Law Enforcement Committee on March 27, 2007. The model was developed by the committee after reviewing legislation primarily from Florida but including several other states.*

*The provisions of this NASBLA model act apply to individual divers, support boats and vessel operators who may find themselves in the same area where diving activities are occurring. Neither diving activity nor the display of diver-down flags shall take place in any area such as a river, inlet, or navigation channel that may constitute an unreasonable navigation hazard. The beneficiaries of the act include boaters and divers.*

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1     **Section 1.** [*Short Title.*] This act may be cited as the Act for Proper Use and Display of  
2 the Diver-Down Flag.

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

2         (1) “Alpha flag” means a flag that meets the following specifications:

3             (a) The flag divided into white (left) and blue (right) halves. The blue half has a  
4 triangular shaped piece removed from the right edge with the apex of the triangle  
5 extending halfway through the blue section.

6             (b) The flag must be displayed on a vessel from a location that provides visibility in  
7 any direction and must be a minimum size of [1m x 1m].

8         (2) “Diver” means any person who is wholly or partially submerged in the waters of  
9 the state and is engaged in free diving or is equipped with a snorkel or underwater  
10 breathing device.

11         (3) “Diver-down flag” means a flag that meets the following specifications:

12             (a) The flag must be red with a white stripe that begins at the top staff side and  
13 extends diagonally to the lower opposite corner.

14             (b) The flag must be square or rectangular but no less than [12” x 12”] when  
15 displayed on a buoy or float towed by the diver.

16             (c) A diver-down flag displayed on a vessel must be displayed from a location which  
17 provides that visibility of the flag is not obstructed in any direction and must be a  
18 minimum size of [20” x 24”].

19             (d) The top of a diver-down flag shall extend above the surface of the water a  
20 minimum of [36"] to ensure adequate visibility.

21         (4) “Free diving” means an activity whereby a person using a mask and snorkel, other  
22 than a self-contained breathing apparatus, submerges underwater or breaks the surface of  
23 the water.

24         (5) “Underwater breathing apparatus” means any system, whether self-contained or  
25 connected to a distant source of air or other gas or gases for breathing without returning  
26 to the surface of the water.

## Use and Display of the Diver-Down Flag – Adopted September 10, 2007

1       **Section 3.** [*Applicability.*] The provisions of this act apply to individual divers, support  
2 boats and vessel operators who may find themselves in the same area where diving  
3 activities are occurring:

4       (1) A diver down flag must be prominently displayed in the area where the diving  
5 activity is taking place.

6       (2) Neither diving activity nor the display of diver-down flags shall take place in any  
7 area such as a river, inlet, or navigation channel, that may constitute an unreasonable  
8 navigation hazard.

9       (3) Diving activity shall take place within a radius of [100 feet] of an imaginary circle  
10 centered around the diver-down flag.

11       (4) Operation of vessels, other than those tending a diver(s) or attached to a diver(s) is  
12 prohibited with [100 feet] of a diver-down flag.

13       (5) Operators of vessels within [100 feet to 300 feet] of a diver-down flag shall reduce  
14 speed to no wake speed or the minimum speed necessary for headway and steerage.

15       (6) A diver-down flag shall be displayed only while diving operations are underway.

16       (7) A vessel shall display the alfa flag whenever they are assisting or connected to a  
17 diver(s) in federal or international waters and is restricted in its ability to maneuver. The  
18 alfa flag shall be displayed only on boats, not inner tubes, floats, or inflatable watercraft.

19       (8) The requirement that the alfa flag be displayed from a vessel restricted in its ability  
20 to maneuver does not relieve the requirement that the diver-down flag also be displayed  
21 at or near the point of submergence.

22       (9) Diving is prohibited from one-half hour after sunset to one-half hour before sunrise  
23 unless the diver has in possession a diver's light that is visible from above the water at a  
24 distance of at least [100 feet.] A diver's light is not required in an emergency, salvage,  
25 repair or construction activity.

26       (10) Between the hours of one-half hour after sunset to one-half hour before sunrise,  
27 vessels displaying a diver-down or alfa flag shall provide illumination to make the flag(s)  
28 visible for a minimum distance of 300 feet.]