

Appendix E

PWC Model Acts

NASBLA MODEL ACT FOR PERSONAL WATERCRAFT
(Adopted 9/26/91) (Amended September 1996)

General In addition to all other boating laws and regulations in this state the following shall apply to personal watercraft:

Section 1. (Definitions.) As used in this chapter:

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

Section 2. (Regulations of personal watercraft.)

- (a) No person shall operate a personal watercraft unless each person aboard is wearing a type I, type II, type III or type V personal flotation device approved by the United States Coast Guard.
- (b) A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch shall attach such lanyard to his person, clothing, or personal flotation device as appropriate for the specific vessel.
- (c) No person shall operate a personal watercraft at any time between sunset and sunrise.
- (d) No person under the age of 16 shall operate a personal watercraft on the waters of this state, except a person 12 to 16 years of age may operate a personal watercraft if a person over at least 18 years of age is aboard the vessel.
- (e) Every personal watercraft shall at all times be operated in a reasonable and prudent manner. No person shall operate a personal watercraft in an unsafe manner. **Unsafe personal watercraft operation shall include, but not be limited to the following:**
- i. ~~Becoming airborne or completely leaving the water while crossing the wake of another vessel at an unsafe distance from~~ within 100 feet of the vessel creating the wake.
 - ii. Weaving through congested traffic.
 - iii. ~~Operating at such a speed and proximity to another vessel so as to require the operator to swerve at the last minute to avoid collision~~

greater than slow/no wake speed within 100 feet of an anchored or moored vessel, shoreline*, dock, pier, swim float, marked swim area, swimmers, surfers, persons engaged in angling or any manually propelled vessel.

iv. Operating contrary to the "Rules of the Road" or following too close to another vessel, including another personal watercraft. For the purposes of this section, following too close shall be construed as proceeding in the same direction and operating at a speed in excess of 10 MPH when approaching within one hundred feet to the rear or fifty feet to the side of another motor boat or sail boat which is underway, unless such vessel is operating in a narrow channel, in which case a personal watercraft may operate at speed and flow of other vessel traffic.

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

Section 3. (Exemptions.)

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

Section 4. (Mandatory Safety Instruction by Rental Operators)

(a) No person shall rent a personal watercraft to another person without first providing safety instruction to that person. Such instruction shall include, but not be limited to: (1) operational characteristics of personal watercraft; (2) laws and regulations, boating rules of the road, personal responsibility; and (3) local characteristics of the waterway to be used.

Section 5. (Towing Water Skiers)

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

(b) No person shall operate a personal watercraft towing another person on water skis or other device(s), unless there is adequate seating space available on the craft for the operator, the observer, and each person being towed.

* Special consideration should be given to operation 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.

Many states are considering laws or regulations affecting personal watercraft use. To help states formulate their individual rules, the Personal Watercraft Industry Association has set forth the following language to serve as a guide. This model act reflects current PWIA recommendations for an enforceable and uniform regulation.

Member companies of the Personal Watercraft Industry Association (PWIA) have jointly and individually agreed to work toward uniform regulation of personal watercraft operation by supporting the following model legislative or regulatory act:

PERSONAL WATERCRAFT SAFETY ACT

Section 1. (Short Title.) This act may be cited as the Personal Watercraft Safety Act.

Section 2. (Definitions.) As used in this chapter:

- (1) "Personal Watercraft" shall mean a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel.
- (2) "Specialty prop-craft" shall mean a vessel which is similar in appearance and operation to a personal watercraft but which is powered by an outboard or propeller driven motor.

Section 3. (Regulations of personal watercraft.)

- (1) A person may not operate a personal watercraft unless each person aboard is wearing at type I, type II, type III, or type V personal flotation device approved by the United States Coast guard.
- (2) A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach such lanyard to his person, clothing, or personal flotation device as appropriate for the specific vessel.
- (3) A person may not operate a personal watercraft at any time between the hours from one-half hour after sunset to one-half hour before sunrise.
- (4) A personal watercraft must at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, weaving through congested vessel traffic, jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed, and swerving at the last possible moment to avoid collision shall constitute reckless operation of vessel.
- (5) No person under the age of 16 shall operate a personal watercraft on the waters of the state.
- (6) It is unlawful for the owner of any personal watercraft or any person having charge over or control of a personal water craft to authorize or knowingly permit the same

to be operated by a person under 16 years of age in violation of this section. Any person who violates this subsection shall be a _____ (State determined penalty).

Section 4. (Regulation of liveries.)

- (1) A livery may not lease, hire, or rent a personal watercraft to or for operation by any person who is under 16 years of age.
- (2) Any person convicted of violating this section is guilty of a _____ (State determined penalty).

Section 5. (Exemptions.) The provisions of Section 3 shall not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an officially sanctioned regatta, race, marine parade, tournament, or exhibition.

Section 6. (Regulations of specialty prop-craft.) The provisions of Sections 3, 4, and 5 shall apply to specialty prop-craft.