

HOUSE No. 2256

The Commonwealth of Massachusetts

PRESENTED BY:
James J. O'Day

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act relative to jet skis, surf jets, wet bikes, and other personal watercraft in municipalities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
James J. O'Day	14th Worcester District
Harriette L. Chandler	
Bruce E. Tarr	First Essex and Middlesex
Ellen Story	3rd Hampshire
Sarah K. Peake	4th Barnstable
Matthew C. Patrick	3rd Barnstable
Katherine Clark	32nd Middlesex
Peter v. Kocot	1st Hampshire
Robert P. Spellane	13th Worcester
Denise Provost	27th Middlesex
Louis L. Kafka	8th Norfolk
Geraldine Creedon	11th Plymouth
William N. Brownsberger	24th Middlesex
Barbara A. L'Italien	18th Essex
Steven J. D'Amico	4th Bristol
Martha M. Walz	8th Suffolk
Stephen L. DiNatale	3rd Worcester
Elizabeth A. Malia	11th Suffolk
Cheryl A. Coakley-Rivera	10th Hampden
Kevin G. Honan	17th Suffolk
Sean Garballey	23rd Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2356 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT RELATIVE TO JET SKIS, SURF JETS, WET BIKES, AND OTHER PERSONAL WATERCRAFT IN MUNICIPALITIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 90B of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the definition of “Personal flotation devices” the following definition:—“Personal watercraft”, a vessel, by whatever name, propelled by water jet or other machinery as its principal source of motor propulsion which is designed to travel over water and to be operated by a person sitting, standing or kneeling on the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel, including but not limited to jet skis, surf jets and wet bikes.

SECTION 2. Paragraph (n) of the fourth paragraph of section 11 of said chapter 90B, as so appearing, is hereby amended by inserting after the word “town”, in line 90, the following:—except as provided in section 15A.

SECTION 3. Said chapter 90B is hereby further amended by inserting after section 15 the following section:—Section 15A. (a) Notwithstanding the provisions of paragraph (n) of the fourth paragraph of Section 11 of Chapter 90B and Section 45 of Chapter 131 or any other general or special law to the contrary, any city or town may make and enforce rules and regulations relative to the use of jet skis, surf jets, wet bikes, or other personal watercraft, as defined in Section 1 of said Chapter 90B, on any pond or lake not to exceed 750 acres in which the whole or any portion of such pond or lake is located within its boundaries. Such rules and regulations may include a total ban on the use of jet skis, surf jets, wet bikes, or other personal watercraft, as defined in Section 1 of said Chapter 90B. Where a pond or lake lies within the boundaries of more than one municipality, a single municipality may apply such rules and regulations to that portion of the pond or lake that lies within its boundaries without the agreement of any other municipality. Rules and regulations adopted pursuant to authority of this section do not require the approval of the director of law enforcement of the department of fisheries, wildlife and environmental law enforcement. Any rules or regulations adopted pursuant to the authority of this section shall not be valid unless published in a newspaper of general distribution in said city or town not less than five days before the effective date thereof. (b) Any city or town that adopts rules or regulations relative to the use of jet skis, surf jets, wet bikes, or other personal watercraft, as defined in Section 1 of Chapter 90B, shall construct signs bearing such rules and regulations as may be adopted, and such signs shall be conspicuously placed facing the water on the shore near each boundary.

SECTION 4. Section 45 of Chapter 131 of the General Laws, as appearing in the 1998 Official Edition, is hereby amended by inserting after the word “enforcement”, in line 26, the following:—except as provided in Section 15A of Chapter 90B.