

# SENATE NO. 1410

## AN ACT RELATIVE TO KAYAKS

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

1 SECTION 1. Chapter 90B of the General Laws, as appearing in the 2004 Official Edition, is hereby  
2 amended by inserting after section 5B the following section:-

3 Section 5C. Every person aboard a kayak, as defined in section 13B, shall wear at all times a Coast  
4 Guard approved personal floatation device of Type I, II or III, in good and serviceable condition.

5 SECTION 2. Section 11 of said chapter 90B, as so appearing, is hereby amended by adding the  
6 following clause:-

7 (q) Prescribe safety equipment required to be aboard any kayak, as defined in section 13B, however  
8 no such rule or regulation may exempt kayakers from the requirement to wear a personal flotation  
9 device as required by section 5C .

10 SECTION 3. Said chapter 90B is hereby further amended by inserting after section 13A the following  
11 section:—

12 Section 13B. (a) As used in this chapter, “kayak” means a lightweight boat that: (i) is covered, except  
13 for a single or double opening in the center thereof; and (ii) is propelled by a double bladed paddle.

14 (b) Anyone who holds himself out as a kayak instructor for hire shall obtain and maintain: (i) first aid  
15 training approved by the department of public health; (ii) cardiopulmonary resuscitation training  
16 approved by the department of public health; and (iii) kayak instructor certification from the American  
17 Canoe Association, American Red Cross certification in small craft safety and basic water rescue, or  
18 equivalent water training.

19 Any course of kayak instruction shall include, but not be limited to; (i) the safety procedures  
20 appropriate to the level of kayak paddling difficulty; and (ii) wet exit training, which training shall be  
21 conducted prior to a student operating a kayak unsupervised or in water deeper than 5 feet. Wet exit  
22 training shall consist of practice escaping from a kayak while submerged in a controlled water setting.  
23 Wet exit training shall not be required by this section if the kayak to be utilized by the student during  
24 the training is a sealed-hull, sit-on-top or open-decked kayak in which no part of the kayaker's body is  
25 covered or enclosed within the cockpit, or center opening of the kayak.

26 A liability release that limits an instructor's responsibility to comply with this section shall be void."