

323 CMR 4.00: THE OPERATION OF PERSONAL WATERCRAFT

Section

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4.01: Purpose and Scope

The purpose and scope of 323 CMR 4.00 is to protect the public safety by establishing rules of conduct governing the operation of personal watercraft, by promoting voluntary compliance with the rules, and, when necessary, by deterring, through fines and penalties, noncompliance with the rules. The Division of Law Enforcement intends to improve, through the rules, the safe and appropriate use of personal watercraft.

4.02: Definitions

Headway speed shall mean the slowest speed at which a personal watercraft may be operated and maintain steerage way. To be considered operating at headway speed under 323 CMR 4.00 the operator shall be either kneeling or sitting.

Personal watercraft shall mean a vessel propelled by 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 the vessel rather than being operated in the conventional manner by a person sitting or standing inside the vessel.

4.03: Operation

- (1) Minimum Age. No person shall operate a personal watercraft if such person is:
 - (a) Under the age of 16;
 - (b) 16 or 17 years of age without first having received a safety certificate evidencing satisfactory completion of a training course in safe operation conducted by the United States Coast Guard Auxiliary, the United States Power Squadron, the Division of Law Enforcement, or such other entity approved in writing by the Director.
 - (c) 16 or 17 years of age without having first received a safety certificate evidencing satisfactory completion of a training program in personal watercraft safety conducted by the Division of Law Enforcement or other such entity approved in writing by the Director.
- (2) Personal Floatation Device. Any person aboard a personal watercraft shall wear at all times a Coast Guard approved personal flotation device of Type I, II, III or V.
- (3) Towing. No person shall tow a water skier or any person in any other manner from a personal watercraft.
- (4) Evening Operation. No person shall operate a personal watercraft between the hours of sunset and sunrise, as determined by the chart set forth at 323 CMR 2.00, Appendix I, or when vision is unduly restricted by the weather.
- (5) Safe Operation. No person shall operate a personal watercraft except in a safe and prudent manner, having due regard for other waterborne traffic, posted speed and wake restrictions, 323 CMR 4.00 *et. seq.*, and all other attendant circumstances, so as not to endanger the life, limb or property of any person.

No person who owns, rents, operates or who otherwise has charge of a personal watercraft shall permit said personal watercraft to be operated in violation of M.G.L. C. 90B or any applicable regulation 323 CMR 2.00 and 323 CMR 4.00.

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(6) Negligent Operation. No person shall operate a personal watercraft in a negligent manner. The following are prohibited as examples of negligent operation:

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- (a) Unreasonably jumping, or attempting to jump, the wake of another vessel;
 - (b) Following within 150 feet of a water skier;
 - (c) Weaving through congested vessel traffic;
 - (d) Speeding in restricted areas;
 - (e) Crossing unreasonably close to another vessel;
 - (f) Operating a personal watercraft in such a manner that it endangers the life, limb or property of any person;
 - (g) Towing a waterskier or any person in any manner from a personal watercraft; and
 - (h) Operating a personal watercraft during the evening, as defined by 323 CMR 4.03(4).
- (7) Modification. Except as otherwise provided in 323 CMR 4.03(9), no person shall:
- (a) Remove or modify the exhaust or muffler system of a personal watercraft, or
 - (b) Operate a personal watercraft so modified.
- (8) Exceptions.
- (a) The provision of 323 CMR 4.03(6)(a) through (h) and (7)(a) through (e) shall not apply to a person performing in an event for which a permit has been issued in writing by the director.
 - (b) The provisions of 323 CMR 4.03(7)(a) through (d) shall not apply in an area expressly designated in writing by the director or his designee as appropriate for personal watercraft operation.
- (9) Automatic Cut-Off. Every person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cut-off switch shall attach said lanyard to his person, clothing, or personal floatation device as is appropriate for the specific craft.

4.04: Rental of Personal Watercraft

- (1) Minimum Age. No person shall lease, hire or rent a personal watercraft to any person under 16 years of age, nor to any person 16 or 17 years of age unless said person produces a certificate evidencing compliance with 323 CMR 4.03(1)(b).
- (2) Notice of Regulations. No person shall lease, hire or rent a personal watercraft to any person unless said lease, hire or rental is accompanied by a copy of 323 CMR 4.00 *et. seq.*
- (3) Safety Rules Stickers. No person shall lease, hire or rent a personal watercraft to any person unless said personal watercraft shall have the most current version of the Safety Rules Sticker prominently affixed thereto so that it is visible and readable by the operator.
- (4) Safety Equipment and Education. A personal floatation device complying with 323 CMR 4.03(2) shall be provided with all rented personal watercraft. The safe operation of the personal watercraft shall be explained by the rental livery. This explanation shall include a complete review of 323 CMR 4.00 *et. seq.*

4.05: Penalties

- (1) For purposes of M.G.L. c. 90B, § 14, any violation of 323 CMR 4.03(1), (3), (4), (5), (6), or (7) shall be deemed a violation of M.G.L. c. 90B, § 8.
- (2) For purposes of M.G.L. c. 90B, § 14, any violation of 323 CMR 4.03(2) shall be deemed a violation of M.G.L. c. 90B, § 5A.
- (3) For purposes of M.G.L. c. 90B, § 14, any violation of 323 CMR 4.03(8) shall be deemed a violation of M.G.L. c. 90B, § 6.

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(4) For purposes of M.G.L. c. 90B, § 14, any violation of 323 CMR 4.04 shall be deemed a violation of M.G.L. c. 90B, § 7.

REGULATORY AUTHORITY

323 CMR 4.00: M.G.L. c. 90B.

NON-TEXT PAGE