

# Town of Lunenburg, Massachusetts

## POLICE DEPARTMENT

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## Massachusetts Boating Laws

### AUTHORITY AND JURISDICTION

#### Massachusetts General Law, Chapter 90 B, Sections 11 and 12 Boater's Guide, Part 2

- The Commonwealth's **authority** in the area of boating law can be found in Chapter 90B of Massachusetts General Laws (MGL) and Section 323, Code of Massachusetts Regulations (CMR).
- The **jurisdiction** of enforcement officers includes the coastal waters of the Commonwealth and all inland waters except waters less than 10 acres and privately owned.
- Enforcement authority is given to MEP officers, harbormasters, police officers assigned to harbor patrol, fish and game wardens, state police officers, and by city and town police officers assigned to patrol the waters of the commonwealth. For the purpose of such enforcement such officers may board any motorboat and may conduct an inspection thereof, including an examination of the certificate of number, and may require the operator of such motorboat to give his true and correct name and address. Whoever attempts to prevent any such officer from boarding such motorboat for the purpose of inspecting, or whoever attempts to prevent such officer from making an inspection of such boat, shall be punished as provided in section thirty-eight.
- The Director of the Massachusetts Environmental Police (MEP) is the state's Boating Law Administrator (BLA) and is responsible for enforcing boating laws.
- The BLA is authorized to enact regulations that make boating safer and improve enforcement.
- As BLA, he has final approval authority over any city or town by-law intended to regulate recreational boating.

### POWERS OF LAW ENFORCEMENT OFFICERS

#### MGL, Ch. 90 B, Sections 12 and 13

- Officers may arrest, without warrant, anyone in violation, or believed to be in violation, of any section of Chapter 90B, MGL.
- Enforcement officers may board any recreational boat at any time to check equipment, registration, and positively ID the boat operator.
- Enforcement officers may terminate the use of any boat observed operating under any one of the following unsafe conditions, until the unsafe condition is corrected:
  - Insufficient personal flotation devices
  - Overloaded vessel
  - Failure to display navigation lights between sunset and sunrise
  - Fuel leak in either the fuel system or the engine
  - Fuel accumulation in the bilge or any other space
  - Insufficient ventilation in any fuel or engine spaces
  - Missing or improper backfire flame control.

- It is illegal for the operator of a motorboat to:
  - Refuse to stop for an inspection after being signaled to stop.
  - Attempt to prevent an officer from conducting an inspection.
  - Refuse to give his correct name and address.
  - Refuse to produce the boat's registration (certificate of numbers) when requested by the officer.

## **SAFETY EQUIPMENT REQUIREMENTS**

### **MGL, Ch. 90B, Section 5**

- Lifejacket wear is mandatory for:
  - Children under 12, underway, and above deck.
  - Everyone riding on a personal watercraft.
  - Anyone being towed in any way on or through the water.
  - Canoeists and kayakers operating between September 15th and May 15th.
- Massachusetts follows federal law regarding:
  - Navigation lights between sunset and sunrise.
  - Ventilation of fuel tanks and engine spaces.
  - Personal flotation devices.
  - Fire extinguishers.
  - Visual distress signals.
  - Backfire flame arrestors.
- Motorboat operators must adhere to the following:
  - Carry an efficient sound-signaling device.
  - All motorboats must have an anchor and sufficient line to anchor in the boat's normal operating area, and a manual bailer. (PWCs are exempt from these requirements.)
  - Motorboats towing anyone in any manner must be equipped with a ladder, steps, platform, or similar device that can be used to pull the person being towed from the water.
  - In addition to other required safety equipment, motorboats less than 16 feet, except PWCs, must carry a paddle/oar.
  - The engine's exhaust must be muffled to prevent excessive noise and pollutants.
  - Anyone renting boats for recreational use must make sure that the boat is equipped as required by law.
- Equipment requirements for personal watercraft are the same as other motorboats with the following additions:
  - Personal flotation device for each rider (must be worn)
  - Safety lanyard (kill switch) must be attached to the operator.

## **OPERATOR AGE REQUIREMENTS**

### **323 CMR, Section 2.07**

- Youth, ages 12 through 15, must pass a state-approved boating course before operating without adult supervision.
  - A safety certificate will be issued to successful graduates and must be carried on board when operating without adult supervision.
  - Kids under 16 can operate a motorboat without a safety certificate if supervised by a competent person 18 years of age or older.
- Personal Watercraft (PWCs)
  - No one may operate a personal watercraft in Massachusetts who is less than 16 years of age.
  - Before operating, youth 16 and 17 years of age must obtain a state-issued safety certificate, endorsed for personal watercraft.
  - The safety certificate will be issued after the successful completion of a state-approved boating safety course and a personal watercraft focused addendum.

## SAFE VESSEL OPERATION

MGL, Chap. 90 B, Sections 8, 9a, and 13a & 323 CMR, 2.07 and 2.08

- Rules of the Road:
  - Vessel operators must follow the federal navigation rules for inland waters. (33 U.S.C., sections 2001 – 2073)
  - Basically, operators must proceed in a safe and courteous manner, always keep a proper lookout, and maintain safe speed.
- Safe Speed and Distance Regulations:
  - Safe speed depends on conditions at the time you're operating. Conditions include:
    - Wind, water, visibility, and current
    - Your boat's maneuverability
    - How close you are to navigational hazards
  - On inland waters of the state, 45 miles per hour is the maximum allowed, unless posted otherwise.
  - Swimming Areas:
    - Operators are prohibited from operating to within 150 feet of shorelines used as swimming areas.
    - Operators are prohibited from operating to within 75 feet of floats or markers that designate swimming areas.
- Headway speed: defined as **the minimum speed a vessel may be operated to maintain steerage way, but not to exceed 6 miles per hour.**
  - Don't operate your boat at more than headway speed when within 150 to 300 feet of shorelines used as swimming areas.
  - Use headway speed when within 150 feet of a marina, ramp, raft or float.
  - Use headway speed within 150 feet of a swimmer.
  - Come to headway speed when your vision is obscured by a bridge, a bend in the waterway, or for any other reason.
  - Use headway speed when operating in a channel, unless channel markers say higher speeds are allowed.
  - Make sure that your wake doesn't rock other boats, docks, etc. **Your wake is considered a part of your boat, and you are responsible for any damage or injury caused by your wake.**
- Overloading and other considerations:
  - Vessel operators should pay close attention to the boat's *capacity plate* and **never load a boat beyond its carrying capacity**:
    - The capacity plate lists the recommended maximum motor horsepower along with passenger and cargo capacity limits.
    - Required on boats less than 20 feet in length built after 1972.
    - Make sure your passengers don't sit on the bow, stern, or gunwales while cruising. This is a major cause of people falling overboard.
    - You're not allowed to moor to any aid to navigation, and it's illegal to move, remove, deface, or destroy any aid to navigation.
    - It's illegal to allow any raw sewage or garbage from your boat to be disposed of in the water.
    - It's illegal to display a false distress signal.
- Personal Watercraft Restrictions:
  - Riders must wear a type 1, 2, or 3 lifejacket.
  - Don't operate at more than headway speed when within 150 feet of a swimmer, the shore, or a moored vessel.
  - **PWC** operation is illegal on waters of less than 75 acres.
  - No **personal water craft** operation is allowed between sunset and sunrise.
  - It's illegal to jump the wake or cross unreasonably close to another boat.
  - Personal watercraft cannot tow anyone or anything.
- Water-skiing regulations:
  - It's illegal to water-ski between sunset and sunrise.
  - An observer, at least 12 years of age, other than the operator, must be constantly observing the person being towed.

- The boat must be equipped with a ladder, or some similar device, so that the person being towed can be pulled from the water.
- Persons water-skiing or being towed in any manner must wear a Coast Guard approved type 1,2, or 3 lifejacket.
- ☐ Diving regulations:
  - Every diver or group of divers must display a dive flag.
  - The flag must be of rigid construction, at least 12 x 15 inches in area, with a red background and a white diagonal stripe.
  - It must rise at least three feet from the water's surface.
  - Divers must remain within 100 feet of the dive flag.
  - If possible, boat operators must stay outside the 100-foot dive circle. If you must transit within 100 feet, reduce your speed to 3 miles per hour.
- ☐ Negligent operation: negligent operation is the failure to exercise the degree of care necessary to prevent the endangering of life, limb, or property of any person. It can be the result of operator ignorance, inattention, indifference, or carelessness. Depending on the specific circumstances of each case, the following might be considered to be examples of negligent operation:
  - High speed or erratic operation in a congested area.
  - Excessive speed in fog or stormy conditions.
  - Operating under the influence of alcohol or drugs.
  - Operating near or through areas being used by swimmers or divers.
  - Towing water skiers in the nighttime or without an observer.
  - Operating at cruising speeds with passengers sitting on the bow or gunwales.
  - Cutting through a regatta or marine parade in progress.
  - Operating between sunset and sunrise without displaying navigation lights.

## **BOATING UNDER THE INFLUENCE (BUI) OF ALCOHOL OR CONTROLLED SUBSTANCES** **MGL, Ch. 90 B, Section 8**

- ☐ Massachusetts has one of the strongest *Boating Under the Influence* laws in the nation. Your **motor vehicle license** can be revoked for boating under the influence.
  - It is illegal to operate any boat under the influence of alcohol or any controlled substance.
  - A blood alcohol concentration level of 0.08 or greater is presumed to be operating under the influence of alcohol.
  - Anyone arrested for operating under the influence has, by law, consented to submit to a chemical test or breath analysis to determine blood alcohol content.
  - Anyone arrested for operating under the influence of alcohol and who refuses to submit to a blood alcohol level test is subject to having their motor vehicle license revoked as well as having their vessel's registration revoked for 120 days.

## **ACCIDENTS** **MGL, Chap. 90B, Section 9**

- ☐ Operators are obliged to assist anyone hurt in a boating accident, as far as they are safely able (Good Samaritan Rule).
- ☐ Reporting requirements: if you're involved in an accident that results in property damage of \$500 or more and/or personal injury requiring more than basic first aid:
  - The operator must immediately notify the MEP.
  - The operator must complete a Boating Accident Report (BAR) within 5 days.
  - If death occurs because of an accident, the BAR must be submitted within 48 hours.
  - If you're involved in collision or cause injury to another person, you are obligated to give your name, address and registration numbers before you leave the scene.

## **REGISTRATION, TITLING, HULL IDENTIFICATION NUMBERS**

**MGL, Ch. 90 B, Section 2 & 323 CMR 1.00**

- Registration: All boats propelled by machinery must be registered and numbered. These include:
  - All powerboats and personal watercraft.
  - Canoes, sailboats, tenders, and other craft that use auxiliary motors.
  - Exceptions to registration laws include:
    - Foreign owned boats temporarily using state waters.
    - Federal, state, county, city, or town boats.
    - Ships' lifeboats.
    - Boats registered in another state (good for 60 consecutive days).
    - A boat which is documented by the Bureau of Customs.
- Boat Registration:
  - Registration numbers must be displayed on **both** sides of the bow. Point out error in Boater's Guide about display of numbers, Pg. 71 (numbering display graphic is correct on page 72).
  - The validation sticker follows the registration number on the port side.
  - Your wallet-sized registration (certificate of numbers) must be carried whenever the boat is underway.
  - Registration numbers must be renewed every two years.
- State boat registration laws follow federal laws in most regards. For information on hours of operation and fees, etc., call on of the Registration and Titling Bureau offices listed in the Boaters Guide.**
- Motorboat Titling:
  - Massachusetts requires that every motorboat 14 feet or more in length be titled within 20 days of the date of sale.
  - The purpose of boat titling is to make it easier to lawfully transfer ownership, discourage theft, and assist law enforcement.
  - Titling fees are required to be paid one time only.
  - Documented boats are exempt from titling requirements.
  - State sales tax must be paid prior to registering and titling your boat.
- Hull Identification Numbers (HIN):
  - They are used to positively identify every hull built after 1972.
  - They are used for identifying stolen boats, assisting manufacturer recalls, and tracing a boat's ownership history.
  - HINs are made up of 12 or 17 letter/number combinations and are stamped onto the boat's starboard side transom, above the waterline.
  - The number is also stamped in an undisclosed, hidden location to assist enforcement personnel in identifying stolen vessels.
  - Anyone removing or in any way falsifying an HIN, motor or engine number can be fined up to \$500.00 and imprisoned for one year.

***For homemade boats or boats built before 1972, the registration bureau will assign a HIN after inspection by an environmental police officer.***