

PWIA Model Legislation Text

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

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

“Personal Watercraft” shall mean a vessel less than 16 feet in length which uses an internal combustion engine powering a water jet pump as its primary source of propulsion, and is designed to be operated or ridden by a person or persons sitting, standing, or kneeling on rather than within the confines of a hull.

Section 3. (Regulation of Personal Watercraft)

1. No person under the age of sixteen (16) shall operate a personal watercraft on the waters of this state.
2. No person shall operate a personal watercraft unless each person on board or being towed behind is wearing a type I, type II, type III, or type V personal flotation device approved by the United States Coast Guard. Inflatable personal flotation devices do not meet the requirements of this section.
3. No person shall operate a personal watercraft unless each person on board or being towed is wearing a wet suit bottom or clothing that provides equivalent protection against forceful water entry into the lower body opening(s) of males or females. Normal swimwear does not adequately protect against forceful water entry.
4. No person shall operate a personal watercraft equipped by the manufacturer with a shut-off cord (lanyard) unless such cord is attached to his/her person, clothing, or personal flotation device as appropriate for the specific vessel.
5. No person shall operate a personal watercraft at anytime between the hours of sunset and sunrise.
6. No person shall operate, be onboard or be towed by a personal watercraft if such person has a blood alcohol content in excess of ___%.
7. No person shall operate a personal watercraft in a reckless manner. Maneuvers which unreasonably or unnecessarily endanger life, limb, or property shall constitute a reckless manner of operation of a vessel and shall include, but not be limited to:
 1. Weaving through congested traffic;
 2. Jumping the wake of another vessel unreasonably or unnecessarily close to such other vessel or when visibility around such other vessel is obstructed or restricted;
 3. Becoming airborne or completely leaving the water while crossing the wake of another vessel within 100 feet of the vessel creating the wake;
 4. Operating at greater than slow/no-wake speed within 100 feet of an anchored or moored vessel, shoreline, dock, pier, swim float, marked swim areas, swimmers, surfers, persons engaged in angling, or any manually powered vessel;
 5. Operating contrary to navigation rules including following too closely to another vessel, including another personal watercraft. For the purpose of this subsection, “following too closely” shall be construed as proceeding in the same direction and operating at a speed in excess of 10 mph within 100 feet to the rear, or 50 feet to the side, of another vessel which is underway, unless said vessels are operating in a narrow channel, in which case

personal watercraft may operate at the speed and flow of the other vessel traffic within the channel.

Section 4. (Required Education)

1. No person shall operate on the waters of this state a personal watercraft powered by a motor of 10 Horse Power or greater unless the operator has successfully completed either a safe boater course approved by the National Association of State Boating Law Administrators and the state, or a proficiency examination that tests the knowledge of information included in the curriculum of such a course, and has received a certificate as evidence of successful completion of the course of examination.
2. A non-resident of the state operating a personal watercraft within the waters of this state, shall be subject to the requirements of this section unless such non-resident holds in his/her possession proof that he/she has completed within the state of residence, an education course or equivalency test that meets or exceeds the requirements of this section.
3. Each resident or non-resident operator of a personal watercraft shall have available proof of completion of such course on board the personal watercraft while operating on the waters of this state.
4. This section shall not apply to persons who lease, hire or rent a personal watercraft pursuant to Section 6.

Section 5. (Towing Water Skiers and Towables)

1. No person shall operate a personal watercraft towing another person on water skis or other towables unless the personal watercraft has, on board, in addition to the operator, a rear-facing observer who shall monitor the progress of the person(s) being towed.
2. No person shall operate a personal watercraft towing another person on water skis or other towables unless the total number of persons operating, observing and being towed does not exceed the specified number of passengers as identified by the manufacturer as the maximum safe load for the vessel.

Section 6. (Regulation of Liveries)

1. A livery shall not lease, hire, or rent a personal watercraft to or for operation by any person under 18 years of age.
2. A livery shall carry liability insurance in the amount of at least one million dollars.
3. Livery operators shall administer boating safety instruction in compliance with department-established rules and guidelines to all operators of rental vessels not having a valid safe boating certificate and valid identification.
4. A livery shall supply to the operator(s) in print, prior to rental:
 1. The operational characteristics of personal watercraft.
 2. The boating regulations peculiar to the area of rental including but not limited to no-entry zones, no-wake zones, channel routes and water hazards, and tidal flow.
 3. An explanation of the common courtesies of operating a vessel on the water and the effect on wildlife, the environment, and other water users.

Section 7. (Exemptions)

1. The provisions of sections (3) and (4) shall not apply to a performer engaged in a professional exhibition or a person engaging in an officially sanctioned regatta, race, marine parade, tournament, exhibition, or water safety demonstration.
2. The provisions of sections (3) and (4) shall not apply to a person who holds a valid master's, mate's, or operator's license issued by the United States Coast Guard.
3. The provisions of this Act shall not apply to law enforcement officers and emergency response personnel engaged in the performance of their official duties.

Section 8. (Uniformity of Law)

No political subdivision, municipality or agency of this state shall adopt or enforce any law, rule, regulation or ordinance relating to personal watercraft or the operation thereof unless such law, rule, regulation or ordinance is identical to the provisions of this Act.

Notwithstanding the foregoing, nothing in this section shall prevent the adoption or enforcement of a law, rule, regulation or ordinance relating to reasonable vessel speed zones, reasonable idle speed zones or vessel exclusion zones within the jurisdiction of the adopting entity as long as such law, rule, regulation or ordinance applies without discrimination to all motorized vessels.

Section 9 (Parity)

Nothing in this chapter shall be construed to prevent the adoption of any ordinance or local regulation relating to operation of vessels, except that a county or municipality shall not enact, continue to effect, or enforce any ordinance or local regulation which discriminates against personal watercraft.