

STATE OF DELAWARE
State-Specific Boating Safety Regulations

SL 1. Law Enforcement Authority

The Division of Fish and Wildlife Enforcement of the Department of Natural Resources and Environmental Control (DNREC) is the State agency authorized to issue rules and regulations necessary for the safe and proper administration of boating regulation enforcement. In addition to DNREC officials, the State, each county in Delaware, and each municipality in the State have concurrent authority to enforce, each within its respective jurisdiction, the provisions of Delaware boating law through its own law-enforcement officers. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

SL 2. Age Restrictions

In the State of Delaware, it is unlawful to operate a Personal Watercraft (PWC) unless the operator is 16 years of age or older, except that a person between 14 and 16 years of age may operate a PWC under the direct supervision of that person's parent or legal guardian.

SL 3. Boater Safety Education Requirements

From and after January 1, 1994, a person born on or after January 1, 1978, may not operate on Delaware waters a vessel that must be registered in this State or any other state, or documented by the U.S. Coast Guard, without first successfully completing a course of instruction prescribed by the DNREC and obtaining a certificate of boating safety education. A certificate of boating safety issued by another state and approved by the National Association of State Boating Law Administrators, complies with these requirements.

A person subject to the above conditions must:

- Maintain in the his or her possession, at all times while operating a vessel or recreational boat on Delaware waters, the certificate of boating safety education issued through a course approved by the DNREC; and
- Upon demand of a Fish and Wildlife Agent or any other law enforcement officer, show the certificate of boating safety education to the agent or officer.

The following persons are exempt from the requirements of this section:

- A person holding a valid Coast Guard captain's license; or
- A person holding a valid Delaware River and Bay Pilot's License, or its equivalent from another jurisdiction.

In addition to a basic boating safety course, new boaters should continue their education by taking a course on boat handling and operation. Boaters are responsible for staying informed of any changes to state boating safety requirements, which are often revised annually.

SL 4. Vessel Registration

All vessels propelled by any form of mechanical power, including electric trolling motors, used or placed on the waters of this State must be registered, except the following:

- Foreign vessels temporarily using such waters;
- Military or public vessels of the United States, except recreational-type public vessels;
- A vessel whose owner is a state or subdivision thereof, other than this State, which is used principally for governmental purposes, and which is clearly identifiable as such;
- A vessel used exclusively as a boat docking facility (a place where vessels may be secured to a fixed or floating structure or to the shoreline or shoreline structure.), or a ship's lifeboat; and
- Vessels, which have been issued valid marine documents by the U.S. Coast Guard.

Except as provided by regulation, no person shall use or place on the waters of this State a vessel to which this regulation applies unless:

- It has a number issued on a certificate of number by this State; and
- The number is displayed as per state regulation.

This regulation does not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the state in which the vessel is principally used. Except as provided by state regulation, no person may use a vessel to which this regulation applies unless it has on board a valid certificate of number or temporary certificate for that vessel issued by this State.

SL 5. Maximum Loading and Horsepower

The State of Delaware does not have any maximum loading and horsepower requirements that are in addition to federal regulations. To review federal regulations, refer to the section on Capacity Plates included in Chapter 1 of this course.

The following information was approved by NASBLA and is included in Chapter 1 of the Boater101 Course:

Capacity Plates

It is required for all mono-hull boats under 20 feet built on or after November 1, 1972 to have a capacity plate approved by the USCG. In addition some manufacturers voluntarily install capacity plates on boats larger than 20 feet. This plate must be visible from the operator's station. The capacity plate lists a safe motor size, the maximum number of persons to be carried onboard, and the total weight the boat can carry including persons, motor, and gear. When operating your boat be sure to adhere to the restrictions listed on the capacity plate. Not only is it dangerous to overpower or overload a small boat, since they can swamp or capsize more easily, but it is also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.

SL 6. Equipment and Lighting Requirements

The USCG sets minimum safety standards for vessels and associated equipment. To meet these standards, some of the equipment must be USCG-approved. All boats operating on Delaware waters must carry and, if required, have in operation, acceptable personal flotation devices (PFDs), visual distress signals, fire extinguishers (whose number and type depend on boat size), sounding devices, backfire flame arrestor, ventilation systems, and navigation lights as required by federal law. If a boat manufacturer installs the safety equipment, it should not be assumed that the vessel is properly equipped at time of purchase. Boat owners are responsible for ensuring that his or her vessel meets USCG regulations in accordance with vessel size and the waters in which the vessel is being operated. To review the federal requirements for safety equipment, refer to Chapter 2 of this course.

These regulations for minimum requirement of safety equipment do not apply to:

- Military or public vessels of the United States, other than recreational-type public vessels; and
- A vessel used exclusively as a ship's lifeboat.

The State of Delaware requires that specific safety equipment be on board all vessels operating in state waters. These regulations adhere to USCG safety equipment requirements. Vessels must be equipped with PFDs for every passenger on board. Vessels may also be required to have a type IV (throwable) PFD except:

- Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV as specified in these regulations.
- Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type of PFD as specified in these regulations.
- Sailboards.

Mandatory PFD Usage All children under the age of 12 must wear a USCG-approved PFD while on a recreational vessel that is underway, unless they are in an enclosed cabin or below deck. The requirement also does not apply if the recreational boat is anchored or moored.

SL 7. Marine Sanitation Devices

Delaware law prohibits the discharge of any sewage, treated or untreated, into the state's freshwaters. Recreational vessels with installed toilet facilities must have onboard an operable marine sanitation device (MSD). All installed devices must be USCG certified. Type III MSDs must have the "Y"-valve secured to prevent waste from being discharged into the water. Pump-out stations are located throughout the state. Contact the Delaware DNREC to find out where the nearest pump-outstation is located.

SL 8. Muffling Devices

To reduce noise, motorboat engines should be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system.

SL 9. Boating Accidents

If a boat is involved in an accident, the operator must give necessary assistance to the other vessel and passengers, as long as it will not personally endanger the operator, his or her passengers, crew or the vessel. The operator must also give his or her name, address, and the identifying number of his or her vessel to anyone injured in the accident and to the owner of any damaged property.

A vessel operator involved in a boating accident is required to submit a casualty or accident report to the reporting authority when, as a result of an occurrence that involves the vessel or its equipment:

- A person dies;
- A person is injured and requires medical treatment beyond first aid;
- Damage to the vessel and other property totals more than \$500.00; or
- A person disappears from the vessel under circumstances that indicate death or injury.

A report must be made:

- Immediately if a person dies within 24 hours of the occurrence;
- Immediately if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and
- Within 5 days of the occurrence or death if an earlier report is not required by this regulation.

When the vessel operator is unable to submit the required casualty or accident report, the boat owner must submit it.

An accident or casualty report completed by a Fish and Wildlife Agent may be substituted to meet the requirements of this regulation.

SL 10. Vessel Speed Restrictions

At all times, vessels must proceed at a safe speed so the operator can take proper and effective action to avoid collisions and stop within a distance appropriate to the prevailing circumstances and conditions.

The speed of all vessels on Delaware waters is limited to a Slow-No-Wake speed when within 100 feet of:

- Any shoreline where "Slow-No-Wake" signs have been posted by the DNREC;
- Floats;
- Docks;
- Launching ramps;
- Marked swimming areas;
- Swimmers; or

- Anchored, moored, or drifting vessels.

It is unlawful to operate a vessel at a rate of speed greater than is reasonable with respect to conditions and circumstances, such as proximity to the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use.

Responsibility of Operator

A vessel operator while on Delaware waters is legally responsible for injuries and damages to life, limb, or property caused by his or her vessel or vessel wake.

SL 11. Mooring to Markers or Buoys

Whoever:

- moors a vessel or vessels of any kind or a raft or any part of a raft to a buoy, beacon or daymark placed on Delaware waters by the authority of the USCG Commandant,
- hangs on with a vessel, raft or part of a raft to a buoy, beacon or daymark,
- willfully removes, damages or destroys a buoy, beacon or daymark,
- cuts down, removes, damages or destroys a beacon or beacons erected on Delaware land by the authority of the Commandant, or
- having, through unavoidable accident, run down, dragged from its position, or in any way injured any buoy, beacon or daymark, and
- fails to give notice as soon as practicable to the Coast Guard inspection official of the district in which the buoy, beacon or daymark is located,

shall for every such offense be fined not more than \$200 or imprisoned not more than 3 months. Two thirds of the fine are paid to the Commandant to be used in repairing the buoys and beacons.

SL 12. Reckless and Careless Operation

Whoever uses a vessel or associated equipment in a careless or imprudent manner, or without due regard for existing conditions (i.e., visibility, weather, etc.), is guilty of careless operation.

Whoever uses a vessel and fails to give full time and attention to operating the vessel, or whoever fails to maintain a proper lookout, is guilty of inattentive operation.

Whoever uses a vessel or associated equipment in willful or wanton disregard of the safety of persons or property is guilty of reckless operation.

SL 13. Interference with Navigation

It is unlawful to:

- Anchor a vessel in the traveled portion of a river, channel or other waterbody that will prevent or interfere with any other passing vessel.
- Obstruct a boat ramp, pier, wharf or access to any facility.
- Obstruct or mark the waters of Delaware in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of Delaware.
- Operate or otherwise position a vessel, other object or any person in a way that would obstruct or impede the normal flow of traffic on the lakes of this state.

Whoever causes an obstruction to be built or placed or remain on the shore of any navigable river in Delaware in a way that interferes with the public use of the river shore or harbor of any city or town located on the bank of that river, and, after notice, allows the obstruction to remain for 30 days, is guilty of maintaining a public nuisance, and will be fined not less than \$1,000 nor more than \$10,000. Upon conviction, the defendant will be required by court order to remove the obstruction.

SL 14. Boating Under the Influence

It is unlawful to motor, sail, row, operate, command or have actual physical control of a vessel or boat underway on Delaware waters when:

- The operator is under the influence of alcohol;
- The operator is under the influence of a drug;
- The operator is under the influence of a combination of alcohol and drugs;
- The operator's alcohol concentration is 0.08 or more; or
- The operator's alcohol concentration is, within 4 hours after the time of vessel operation, 0.08 or more.

Any person charged whose blood alcohol concentration is 0.08 or more by weight as shown by a chemical analysis of a blood, breath or urine sample taken within 4 hours of the alleged offense is guilty of boating under the influence. This provision will not preclude a conviction based on other admissible evidence.

The fact that a person charged with violating this law is or has been legally entitled to use alcohol or a drug will not constitute a defense against a charge of violating this law.

SL 15. Mandatory Violator Education

There is no mandatory violator education requirement in the state of Delaware at this time.

SL 16. PWC Regulations

Personal watercraft are those vessels (boats) designed for operation by a person sitting, standing, or kneeling on the craft rather than sitting or standing inside the vessel. PWCs include, but are not limited to, jet skis, wet bikes, wave runners and similar craft. PWCs are considered powered vessels and must abide by the same rules and regulations as any other boat. PWCs must be registered, carry PFDs and be operated at a speed safe enough for the operator to avoid a collision or to stop in time to avoid an accident.

Although PWCs are considered to be a boat, they are engineered differently than most boats. Since they are a jet boat, the water being forced out through the steerable nozzle controls the direction of the boat. If you release the throttle or shut-off the ignition, you will lose all steering control. When operating a PWC, boaters should avoid being stranded by carrying a full fuel reserve tank.

In the State of Delaware, it is unlawful to:

- operate a PWC at any time between sunset and sunrise and at times of restricted visibility, unless the PWC is equipped with navigation lights.
- operate or ride in a PWC unless such person is wearing an approved PFD.
- operate a PWC unless it is equipped with a self-circling device or a lanyard-type engine cutoff switch. If the PWC is equipped with a lanyard-type engine cutoff switch, it must be attached to the person, clothing or PFD of the PWC operator.
- remove, alter or tamper with any part of the spring-loaded throttle mechanism on a PWC which immediately returns the engine to an idle speed upon release of the operator's hand from the throttle control, or any feature of an engine cut-off switch on a PWC installed by a manufacturer

At all times a PWC must be operated in a reasonable and prudent manner. Maneuvers that may endanger the safety of persons or property include, but are not limited to:

- Weaving through congested vessel traffic;
- Jumping or attempting to jump the wake of another vessel within 100 feet of such other vessel, or when visibility around such other vessel is obstructed;
- Following within 100 feet of a water skier; or
- Speeding in restricted speed areas.

Additional Regulations

- No PWC owner or who controls a PWC may permit another person to operate such PWC in violation of any boating law or PWC regulation.
- No one may operate a PWC at a speed greater than headway speed while within or at the entrance to a marina or other place used as an anchorage.
- Except for Delaware's Inland Bays contiguous to incorporated areas, on Delaware waters other than the Atlantic Ocean, no one is allowed to operate a PWC at a speed greater than headway speed, unless that PWC is at least 100 feet from all wharfs, piers, docks, boat launching areas, pilings, bridge structures or abutments, moored, drifting or anchored vessels, all non-motorized vessels, and any shoreline, and at least 300 feet from all people in the water. NOTE: This regulation does not apply to the waters of the Nanticoke River.
- Within Delaware's Inland Bays contiguous to incorporated areas, no one is allowed to operate a PWC at a speed greater than headway speed, unless that PWC is at least 300 feet from all wharves, piers, docks, boat-launching areas, pilings, bridge structures or abutments, moored, drifting or anchored vessels, all non-motorized vessels, any shoreline and all people in the water.
- Within the Delaware waters of the Atlantic Ocean, no one may operate a PWC at a speed greater than headway speed, unless the PWC is at least 300 feet from all wharfs, piers, docks, boat launching areas, pilings, bridge structures or abutments, moored, drifting or anchored vessels, all non-motorized vessels, all people in the water and any shoreline.
- PWCs may not be operated in areas where motorized vessels are prohibited.
- PWCs may not be used to tow a water skier, aquaboard or other similar device, unless there is a competent observer in addition to the operator on board and the PWC is designed by the manufacturer to carry the operator, the observer and the person(s) being towed. The observer will be deemed competent if he or she is facing the person(s) being towed.

SL 17. Water Ski Regulations

In the State of Delaware, no one is allowed to:

- operate a vessel on Delaware waters for purposes of towing a person on water skis, unless there is in the vessel a competent person, in addition to the operator, in a position to observe the progress of the person being towed. The observer is deemed competent if he or she can, in fact, observe the person being towed and relay any signals from the person being towed to the operator. This does not apply to Class A vessels operated by the person being towed and designed to be incapable of carrying the operator in or on the vessel.
- engage in water skiing unless he or she is wearing a Type I, Type II, Type III, or Type V PFD. This provision does not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an official regatta, boat race, marine parade, tournament, or exhibition.
- engage in water skiing and no one may operate a vessel towing a person so engaged on any Delaware waters with a towline that exceeds 75 feet.
- engage in water skiing and no one may operate a vessel towing a person so engaged on any Delaware waters in which water skiing is prohibited.
- engage in water skiing and no one may operate a vessel towing a person so engaged between sunset and sunrise.
- engage in water skiing in such a way as to strike or threaten to strike any person, vessel, or property, and no one may operate a vessel or manipulate a towline or other towing device in such a way as to cause a water skier to strike or threaten to strike another person, vessel, or property.

- engage in water skiing and no one may operate a vessel towing a person so engaged within 100 feet of a person in the water, a pier, dock, float, wharf, or vessel anchored or adrift, or in any direction of boat launching ramps, both public and private.

The operator of a vessel towing a water skier must comply with all laws and regulations pertaining to the individual's class of vessel and must maneuver the vessel in a careful and prudent manner to avoid interfering with other vessels or obstructing a channel or normal shipping lane. The operator must maintain reasonable distance from people and property so as not to endanger the life or property of any person.

Prohibited Water Skiing Areas

Water skiing is prohibited in the following areas:

- The Rehoboth-Lewes Canal, in its entirety;
- The channel through Massey's Landing from Buoy No. 12 off Bluff Point to Buoy No. 19A;
- The Assawoman Canal, in its entirety;
- The Indian River Inlet between Buoy No. 1 and the Coast Guard Station;
- Roosevelt Inlet from 100 yards off jetty entrance to the Canal;
- White Creek south of Marker No. 9A; and
- Any marked swimming areas, unless authorized by a special permit issued by the DNREC.

SL 18. Divers-down Flag

Federal navigation rules require vessels restricted in the ability to maneuver to display appropriate day shapes or lights. To meet this requirement, recreational vessels engaged in diving activities may exhibit a rigid replica of the international code flag "A" or a "Divers-Down" flag not less than one meter in height, or at night, display navigation lights 360 degrees red on top, white in middle and red on the bottom.

Anyone participating in diving must have a divers-down flag displayed floating in the water and/or displayed from their boat. Vessel operators must not navigate their vessels anywhere near a divers-down flag. In the event that a vessel encounters a divers-down flag in a narrow channel, they must proceed with caution at no-wake speed.

SL 19. Liveries (Rental Agencies)

The owner of a vessel livery must keep a record for one year of the name and address of the person(s) hiring a vessel designed or permitted by the owner to operate as a motorboat or vessel, the identification number, departure date and time, and expected time of return. When boats are 3 hours overdue or at the close of the day, the owner must notify the Division of Fish and Wildlife Enforcement of the DNREC.

Neither the owner of a vessel livery, nor an agent or employee, may permit a motorboat or a vessel designed or permitted by the owner operate as a motorboat or vessel to leave the owner's premises unless the owner or renter has provided the necessary equipment.

Neither the owner of a vessel livery, nor an agent or employee, may permit a motorboat or a vessel designed or permitted by the owner to operate as a motorboat or vessel to leave the owner's premises if, in the owner's opinion:

- The lessee is physically incapable of safely operating the motorboat or vessel; or
- The weather is prohibitive for safe operation.

It is unlawful to rent a PWC to any person who does not hold a valid automobile driver's license.

SL 20. Other State-Specific Regulations

Marine Events

The DNREC may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on Delaware waters. DNREC may adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat race, or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge must, file an application with the DNREC at least 30 days prior to the regatta, motorboat race, or other boat race, marine parade, tournament or exhibition. The application must provide details on the date, time and location where it is proposed to hold such regatta, motorboat race or other boat race, marine parade, tournament or exhibition and it must not be conducted without authorization of the DNREC in writing.

Boat Ramps and Mooring Facilities

Whoever uses a boat ramp, seawall, or other mooring facility does so on a first-come, first-serve basis.

- No one may leave a vessel unattended at any seawall or other mooring facility. Disabled vessels must clear the area as soon as possible.
- No one may use a seawall or other mooring facility except for vessels loading and unloading and as a holding area for vessels waiting to use boat ramps.
- No one may moor or conduct repairs to a vessel in any area, which interferes with vessel traffic at a boat ramp. Ramp space must be kept clear at all times for usage of vessels being launched or recovered.

Vessels left abandoned at any seawall or other mooring facility or found adrift will be removed at the owner's expense. Vessels left unattended at a seawall or other mooring facility for more than 48 hours without contacting the Division or a Fish and Wildlife Enforcement Agent are deemed abandoned.

SL 21. Environmental Awareness

Removal of Sand

No one is allowed to dig, mine, remove or carry away, or cause to be dug, mined, removed or carried away, any sand from any public or private beach along the Delaware Bay or along the Atlantic Ocean within 500 feet of the mean high watermark, if, because of such digging, mining, removal or carrying away of such sand, the beaches or lands abutting thereon or adjacent thereto would become flooded or barrier dunes would be destroyed, or so nearly destroyed as to become ineffectual in holding back waters of the Delaware River, Delaware Bay or the Atlantic Ocean, or the probability of the flooding of such lands would be materially increased, without first obtaining written consent from the Delaware Department of Transportation to dig, mine, remove or carry away the quantity of sand desired from the place designated from which such sand is to be taken, provided that this regulation does not prohibit the digging or removal of gravel there from.

Additional Information

For more information on Delaware boating law refer to the Delaware DNREC at

<http://www.dnrec.state.de.us/dnrec2000/Boating.asp>

Click the link below for all Delaware Laws including boating regulations:

<http://198.187.128.12/delaware/lpext.dll?f=templates&fn=fs-main.htm&2.0>. Refer to the

Delaware Code, Title 23 – Navigation and Waters, Chapter 11 – Obstructing Navigation, Chapter 21 – Motorboats, Chapter 22 – Boating Safety, Chapter 23 – Operation of a Vessel or Boat While Under the Influence of Intoxicating Liquor and/or Drugs. Also see the Delaware Administrative Code, Title 7 – DNREC, 3000 Division of Fish and Wildlife, 3100 Boating at <http://regulations.delaware.gov/AdminCode/title7/3000/3100.shtml#TopOfPage>.