

STATE OF KANSAS

State-Specific Boating Safety Requirements

1. Law Enforcement Authority

The boating laws and regulations in the State of Kansas are enforced by the Division of Law Enforcement of the Kansas Department of Wildlife and Parks. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters. All peace officer of Kansas and its subdivisions or caretakers at federally impounded waters have the authority to enforce the provisions of the boating laws and in the exercise thereof have the authority to stop and board any vessel.

It is unlawful for a vessel operator to willfully fail or refuse to bring a vessel to a stop, or otherwise flee or attempt to elude a pursuing law enforcement vehicle or vessel, when given a visual or audible signal to bring the operator's vessel to a stop. The signal may be given by hand, voice, emergency light or siren and shall be given by a uniformed law enforcement officer prominently displaying the officer's badge of office.

2. Age Restrictions

No one under the age of 12 years is allowed to operate a motorboat or sailboat in Kansas unless he/she is accompanied and under the direct supervision of a parent or other person over 17 years of age. It is also unlawful for youth between the ages of 12 and 15 years to operate a personal watercraft (PWC) unless a person 17 years of age or older is aboard the PWC, or unless the operator has successfully completed an approved safe boating course.

3. Boater Safety Education Requirements

Any person born on or after January 1, 1989 must complete an approved boater safety education course to operate a motorboat or sailboat on public waters in Kansas. This requirement does not apply to a person operating a motorboat or sailboat accompanied by and under the direct supervision of a person over 17 years of age who either: possesses a certificate of completion of an approved boater safety education course, or is legally exempt from this requirement. This requirement does not apply to anyone 21 years of age or older, regardless of their date of birth. As noted above, to be the sole operator of a PWC, those 12-15 years of age must successfully complete a boating safety course approved by the National Association of State Boating Law Administrators (NASBLA) and recognized by the U.S. Coast Guard. Out-of-state boaters who boat on Kansas waters must also comply with these education requirements. Proof of completion of a course in another state that meets NASBLA education standards is acceptable in Kansas.

4. Vessel Registration

All vessels principally operated on the waters of Kansas must be registered and numbered in Kansas. All boats powered by gasoline, diesel, electric motor or sail must be registered - including sailboards and personal watercraft. Non-residents operating boats that are properly registered in another state may use their boats in Kansas for up to 60 consecutive days without registering in Kansas. Vessels used solely on lakes, ponds or streams privately owned or leased and not open to the general public need not be registered.

A registration application may be obtained from a marine dealer, the county clerk's office or the nearest Wildlife and Parks office. This registration must be renewed every three years.

The certificate of number should be onboard when operating as proof of registration. Your vessel's registration number and decal are required to be permanently attached to the hull of the boat. The numbers should be at least 3 inches tall, read from left to right, and be of a color that contrasts with the boat hull. The registration decal must be displayed throughout the three-year registration period. A new decal will be issued when registration is renewed.

If a boat is lost or stolen, the owner must notify the Wildlife and Parks department within 15 days.

As of January 1, 2007, any vessel that is documented with the U.S. Coast Guard must be registered with the Kansas Department of Wildlife and Parks (KDWP). A certificate of registration and registration decals will be issued to the boat owner, and the decals must be applied to the forward half of both sides of the vessel. The certificate of registration must be kept on the vessel, available for inspection, whenever the boat is in operation or moored on Kansas water. Prior to this change, "documented" vessels were not required to be registered with KDWP.

5. Maximum Loading and Horsepower

All boats less than 20 feet, which were built after November 1, 1972, and designed to carry two or more people, are required to have a permanently-affixed capacity plate. This capacity plate lists the maximum weight, number of passengers and maximum horsepower rating that can be safely carried aboard the vessel. It is unlawful to operate a boat outside of the limits listed on the capacity plate on your boat.

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 Kansas 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.

Personal flotation devices (PFDs)

Kansas law requires that all boats have one Type I, II, III, or V PFD of proper size, in serviceable condition, and readily accessible for each person on board or being towed. A Type V PFD is approved only for the activities listed on the label and must be worn at all times to meet the legal requirements. Inflatable PFDs are required to be USCG-approved and must meet the general serviceability requirements for all Types of PFDs and the additional requirements specific to inflatable PFDs.

Mandatory PFD Usage

Youth 12 years of age and under must wear a Type I, II, or III PFD while aboard a vessel or being towed by a boat. A life belt or ring does not satisfy this requirement.

Boats 16 feet or longer, except canoes and kayaks, also must be equipped with one Type IV throwable flotation device that is in serviceable condition and not in an enclosed compartment. It is recommended that any person being towed on water skis, kneeboards, or similar devices should wear a properly fitted PFD. Each person operating or riding on a PWC must wear a properly fitted PFD. Sailboarders are recommended although not required to wear a PFD.

Fire Extinguishers

Every motorboat, unless exempt, must have the correct number, size and Type of USCG-approved fire extinguishers.

Motorboats with USCG-approved built-in or affixed fire extinguishers in the motor areas are exempt from having a fire extinguisher in the motor area. They must have on BI or one BII fire extinguisher in the living space or galley, according to boat class. Fire extinguishers must be operable and readily accessible.

The requirements are:

Class A: less than 16 ft. – at least one Type B-I fire extinguisher shall be carried if the vessel has one or more of the following features:

- an inboard engine;
- enclosed compartments under thwarts and seats where portable fuel tanks may be stored (Examples of enclosed compartments include, but are not limited to: live wells, storage compartments.);
- double bottom construction not sealed to the hull or not completely filled with flotation materials;
- closed compartments in which combustible or flammable materials are stored; or
- permanently installed fuel tanks.

Class I: 16 ft. to less than 26 ft. – at least one Type B-I fire extinguisher shall be carried.

Class 2: 26 ft. to less than 40 ft. – two Type B-I or one Type B-II fire extinguisher. If boat has a USCG-approved built-in or affixed fire extinguisher, an additional two Type B-I fire extinguishers or one Type B-II fire extinguisher must be carried.

Ventilation

All closed-construction, fuel-powered motorboats must have ventilators to remove explosive vapors from engine and fuel tank compartments. Gasoline vapors are heavier than air and accumulate in the bottom of the boat, creating a dangerous condition. Be sure that your boat is well ventilated before starting the engine, especially after fueling.

Backfire flame control

Inboard fuel-powered engines must be equipped with a backfire flame arrestor on the carburetor. The flame arrestor must meet U.S. Coast Guard approval.

Navigation Lights

All boats must use navigation lights while operating on Kansas waters between sunset and sunrise.

All motorboats less than 40 feet long must have the following required navigation lights:

- Red and green sidelights visible from a distance of at least two miles.
- A white light located above the vessel at 3.3 feet higher than the side lights and another white light on the stern. These lights must be visible from a distance of at least two miles on a dark clear night.

Motorboats 40 – 65 feet long must use:

- Red and green sidelights visible from a distance of at least two miles.
- An all round white light on the stern, higher than sidelights. These lights must be visible from a distance of at least two miles on a dark clear night.

Sailboats must have:

- Red and green sidelights, and;
- A white light on the stern of the vessel, or
- A flashlight or lantern showing a white light.

Sailboats under power must conform to motorboat navigation light requirements. Manually propelled boats must be equipped with a flashlight or lantern showing a white light exhibited in sufficient time to prevent a collision. Boats at anchor must display an all-around white anchor light unless anchored in a designated mooring area.

Sound Producing Devices

All motorboats, regardless of length, are required to carry a mechanical sound-producing device, such as a whistle or horn that is audible up to one mile. In addition to a whistle or horn, vessels 40 feet or longer must also have a bell with a clear tone that may be heard during inclement weather.

7. Marine Sanitation Devices (MSDs)

Human sewage from boats is a source of pollution that poses environmental and health problems, for that reason in the State of Kansas it is unlawful to use of MSDs that treat chemically the sewage and then dispose it into the water (Type I or II MSD); it is only acceptable to use Type III MSDs. A Type III MSD consists of holding tanks. It requires only a small storage space and is simple to operate. Type III MSDs have the least harmful effect on the environment since the waste is to be discharged on shore into a local sewage treatment facility.

8. Muffling Devices

It is unlawful in the State of Kansas to operate a motorboat without an effective muffling system. To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system. It is also unlawful to tamper with a motorboat muffler system in any way that increases the sound decibels. Excessive noise from a poorly muffled or an unmuffled motor not only disturbs others but also may prevent you from hearing voices, signals or sounds warning you of danger. Motorboats shall not exceed a total noise level of 86 decibels on the "A" weighted scale when measured from a distance of 50 feet or more.

9. Boating Accidents

A "*boating accident*" includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel other than by theft.

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. You must notify local law enforcement officers of the accident by the quickest means available if the accident resulted in death, injury or damage in excess of \$2000. Any accident involving death, disappearance or personal injury must be reported in writing within 48 hours. An accident involving damage exceeding \$2000 also requires submitting a written report to the Kansas Department of Wildlife and Parks, Law Enforcement Division within five days of the accident.

10. Vessel Speed Restrictions

All boats operated on the waters of the State of Kansas must adhere to posted speed restrictions. Any boat operating close to boats engaged in fishing or moored, boat docks, launching areas, swimming areas, or within designated slow areas, must not exceed a No-Wake or Idle speed. No-Wake or Idle speed is defined as the slowest possible speed necessary to maintain steerage. You are responsible for injury or damage caused by your boat's wake.

11. Mooring to Markers or Buoys

It is unlawful to moor or attach a vessel to a beacon, light, buoy (except a mooring buoy) or any other navigational aid installed on public waters by proper authorities. It is also unlawful to tamper with, move, displace, damage or destroy any navigational aid.

12. Reckless and Careless Operation

In Kansas it is not permitted to operate a vessel in a reckless or careless manner.

Examples of reckless or careless operation include:

- Excessive speed in regulated or congested areas
- Operating in a manner that may cause an accident
- Operating in a swimming area with bathers present
- Bow riding or riding on the gunwale or transom where no seating is provided
- Operation of a personal watercraft in a manner that endangers life or property

13. Interference with Navigation

It is unlawful to:

- Anchor a vessel under a bridge or 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 Kansas in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of Kansas.
- 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.

14. Boating Under the Influence

Operating a boat while under the influence of alcohol or drugs is prohibited in Kansas. A person 21 years of age and older is considered to be under the influence if his or her blood or breath alcohol concentration is 0.08 or more. For those under 21 years of age, a breath alcohol concentration of 0.02 or more is not permissible.

By operating on Kansas waterways, you are deemed to have given consent to be tested for alcohol and/or drugs. Refusal to submit to a test will result in loss of boating privileges for three months, in addition to other penalties prescribed by law.

Conviction of boating under the influence is punishable by fine and/or imprisonment and the loss of boating privileges.

15. Mandatory Violator Education

Anyone convicted of boating under the influence must successfully complete a boating safety course.

In addition, anyone refusing to take an alcohol or drug concentration test when requested to do so by a law enforcement officer must satisfactorily complete a boater education course of instruction approved by the secretary before that person subsequently operates or attempts to operate a vessel.

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.

In Kansas, the following rules and regulations apply to the operation of PWCs:

- Youth 12 to 15 years of age cannot operate a PWC unless a person 17 years of age or older is aboard the PWC, or unless they have successfully completed a department-approved safe boating course.
- Anyone operating a PWC must wear a USCG-approved PFD.
- PWC operators must wear a lanyard Type cut-off switch provided by the boat manufacturer that will shut off the PWC in the event that the operator falls off.
- The operator of a PWC must operate in a reasonable and prudent manner; this includes being aware of other boats in the operating area, awareness of environmental concerns and respecting the rights of shoreline property owners and campers. The PWC operator should not closely follow other boats or jump their wake.
- Anyone using a PWC to tow must follow the regulations for PWC hours of operation, which are between sunrise and sunset.
- Boaters are reminded that anyone being towed counts toward the capacity of the vessel.

17. Water Ski Regulations

In Kansas, the following rules and regulations apply to the towing of a person(s) on water skis, aquaplane or similar device:

- It is unlawful to tow a person on water skis, aquaplane or similar device without an observer of at least twelve years old aboard. A wide-angle rear view mirror may be used instead of the observer.
- Each person engaged in water skiing or aquaplaning must wear a USCG-approved PFD or have an additional approved device onboard.
- Water skiing is legal only between the hours of one-half hour before sunrise to one-half hour after sunset.
- PWC operators must not tow anyone unless the watercraft is designed to accommodate more than one person.
- The use of a skier-down flag is mandatory. Vessels towing anyone on water skis or similar devices must carry a bright orange or red flag and display it whenever a towed person is in the water, either preparing to be towed or

awaiting pick-up by the towing vessel. The flag should be a minimum of 12 inches square and must be visible from all directions. The flag should not be displayed while people are being towed.

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.

When diving outside a designated swimming area, all divers are required to display a free-flying, 21 inch square minimum, white diagonal stripe on a red background Divers-Down flag in the area in which the diving occurs. Divers must not, except in case of emergency, display the divers-down flag in an area which would constitute a navigational hazard. Boaters must stay at least 300 feet away from a Divers-Down flag displayed in bays and open waters and maintain a distance of 100 feet in areas of restricted navigation such as rivers, inlets and navigational channels.

19. Liveries (Rental Agencies)

The owner of a boat livery must keep a record for a 6-month period of the name and address of the person(s) hiring a vessel, which is designed or permitted by him or her to be operated as a motorboat, the identification number of the vessel, the departure date and time, and the expected time of return.

Neither the owner of a boat livery, nor his or her agent or employee may permit a motorboat or vessel designed or permitted by him or her to be operated as a motorboat to depart from his or her premises unless it is provided, either by owner or renter, with the equipment required pursuant to KSA 32-1119, and any rules and regulations adopted pursuant thereto.

20. Other State-Specific Regulations Marine Events

An application for a permit to hold a regatta, motorboat or other boat race, marine parade, tournament or exhibition must be accompanied by the water event permit fee prescribed pursuant to K.S.A. 32-1172. The secretary, upon receipt of a proper application and the prescribed permit fee may issue a permit if it is determined that the event is in the public interest, the area requested for holding the event has sufficient accommodations and facilities for the event and the event is compatible with other uses of the area requested for the event. No such event is allowed without the prior authorization of the secretary in writing. Each application for a water event must be submitted no less than 30 days prior to the proposed event.

21. Environmental Awareness Aquatic Nuisance Species

Aquatic nuisance species are non-native species that have been introduced into local waterways. When transplanted into new waters, these organisms proliferate, displacing native species and damaging the water resource. An example of an aquatic nuisance species is the zebra mussel. Zebra mussels can wreak havoc on native fish populations, and can cause damage to your boat's motor as well as marinas and docks. There is also a large threat of damage to drinking water supplies

and power plants as a zebra mussel colony can grow as thick as 18 inches in diameter, blocking intake tubes necessary for the operation of these plants.

Since the early 1980's, when zebra mussels were accidentally introduced into the United States, they have spread to the Great Lakes, 18 states, two provinces and are now in water bodies close to the southeast Kansas border. Adult mussels, barely an inch in length, can attach themselves to any hard surface. Juvenile mussels are about the size of a period and can be easily transported between water bodies. Anything that has been in waters infested by zebra mussels may act as a mechanism of transportation. These items include plants, animals, any waste material, snorkeling, and SCUBA gear, fishing gear and buckets, scientific equipment, boats, trailers, and related equipment. Oftentimes boaters unknowingly facilitate the spread of zebra mussels by transporting their vessels from a water body to another without taking the proper precautions.

Boaters can help slow the spread of zebra mussels by following these recommendations:

- Remove any visible vegetation from items that were in the water;
- Flush the engine cooling system, live wells, and bilge with hot water, rinse any other areas on your boat or associated equipment that get wet including trailer frames and other gear;
- Air dry other equipment for at least five days before using in uninfested waters;
- Do not immediately reuse your boat if it has been exposed to infested waters; and
- Examine the boat's exterior for mussels if it has been docked in infested waters.

Additional Information

For more information on Kansas boating law refer to the Kansas Department of Wildlife and Parks at:
http://www.kdwp.state.ks.us/news/boating/boating_requirements_and_safety. See also Kansas Statutes Annotated Chapter 32 – Wildlife, Parks and Recreation, Article 11 – Boating and Water Activities, Sections 32-1101 to 32-1180 at <http://www.kslegislature.org/legsrv-statutes/statutesList.do>. Also refer to Kansas Administrative Regulations 115-30-1 *et seq.*, at <http://www.kslegislature.org/legsrv-kars/index.do>.