

COMMONWEALTH OF MASSACHUSETTS
State-Specific Boating Safety Requirements

Disclaimer

In order to meet mandatory education requirements in the Commonwealth of Massachusetts, boating safety certification exams must be proctored. Online boating safety examinations do not meet this requirement. Evidence of passing the online version of Boater101, however, will allow the student to sit for the Massachusetts Environmental Police proctored exam. To take a proctored examination, you can either contact the Massachusetts Environmental Police or find a Boater101 class offered at a dealership near you.

SL 1. Law Enforcement Authority

The boating regulations and laws of the Commonwealth of Massachusetts are enforced by Massachusetts Environmental Police (MEP), harbormasters, police officers assigned to harbor patrol, fish and game wardens, and state police officers. These officers have the jurisdiction to enforce boating laws on the coastal waters of the Commonwealth of Massachusetts and all inland waters except for waters that are privately owned and less than ten acres in size. Local recreational boating laws can also be enforced by town police officers and harbormasters. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

The Director of the MEP is designated as the state's Boating Law Administrator and is responsible for the administration of boating safety regulations. As BLA, he or she has the authority to enact regulations that improve the safety of the waterways and make the enforcement of boating laws more effective. He or she also has authority to grant the final approval for any local or town by-law intended to regulate recreational boating.

Enforcement officers have the authority to stop and board any motorboat to check equipment, registration and the operator's identification. In addition, officers may arrest any person who is in violation or suspected to be in violation of state boating laws. If an enforcement officer sees a boat being operated under an unsafe condition, he or she may terminate the use of the boat until the condition is corrected. The following are examples of unsafe conditions:

- A vessel overloaded beyond its carrying capacity
- Carrying less than the required number of Personal Flotation Devices
- Operating a vessel between sunset and sunrise without illuminating the navigation lights
- A fuel leak in either the fuel system or engine
- Accumulation of fuel in the bilge or other area of the boat
- Insufficient ventilation in the engine or fuel compartments
- Either missing or incorrect means of backfire flame control

All motorboat operators must be aware that if signaled to stop by an enforcement officer, it is illegal to do any of the following:

- Refuse to stop for an inspection
- Try to prevent an officer from inspecting your boat
- Give the incorrect name and address
- Refuse to provide the officer with the boat's registration information (certificate of number) when requested

SL 2. Age Restrictions

Those who are under 12 years of age are prohibited from operating a motorboat unless accompanied on-board and directly supervised by a competent person 18 years of age or

older. Personal watercraft (PWC) operators must be at least 16 years of age with no exceptions.

SL 3. Boater Safety Education Requirements

Anyone 12 through 15 years old and PWC users who are 16 or 17 years of age must complete a state and nationally approved basic boating course to operate a motorboat without adult supervision and carry the boating safety certificate when underway. (Persons under 16 years of age are not allowed to operate PWCs.) Though some classes are for youth only, most are open to adults and youth. Family participation is encouraged and has proven to be very rewarding.

SL 4. Vessel Registration

Every motorboat operated on Massachusetts waters must be numbered. These include personal watercraft and canoes, sailboats, tenders and any other boat that uses an auxiliary motor. Exceptions include:

- A motorboat owned in another country that is temporarily using the waters of Massachusetts
- A motorboat registered in another state that is temporarily using the waters of Massachusetts for a period not exceeding 60 consecutive days.
- A motorboat owned by an agency of the U.S. government or by a state, county, city or town.
- Ship's lifeboats.
- A vessel that has a valid marine document issued by the U.S. Bureau of Customs and Border Protection or any other federal agency.

Unless the boat falls under one of the exceptions previously mentioned, no person may maintain, operate or permit the operation of any motorboat on the waters of this state unless it is registered and numbered in Massachusetts. Registration numbers must be renewed every two years. In addition, the wallet-sized registration (called the certificate of number) must be carried onboard the vessel whenever it is underway.

Registration numbers must also be displayed on both sides of the bow of the boat. The validation sticker provided must follow the registration numbers on the port side of the vessel. For more information about the fees associated with registering a boat, contact one of the Registration and Titling Offices listed on the Massachusetts Environmental Police web site: <http://www.mass.gov/dfwele/dle/regoffices.htm>.

In order to discourage boat theft, assist law enforcement and easily transfer the ownership of a vessel, Massachusetts also requires that boats be titled. This requirement applies to every motorboat that is 14 feet or more in length except for documented vessels. Boats that fall under this requirement must be titled within 20 days of the date of sale. Prior to titling or registering your boat, you must pay the state sales tax. Fees associated with titling are to be paid one time only.

All boats manufactured after 1972 are also provided with a Hull Identification Number (HIN). Similar to a serial number, these numbers are used for identifying stolen boats, assisting manufacturer recalls, and tracing a boat's ownership history. HINs are made up of a 12 or 17 digit and letter combination. The HIN is stamped into the boat's transom on the starboard side above the waterline as well as in an undisclosed hidden location. If you own a homemade vessel or one that was built before 1972, you can contact the Massachusetts Environmental Police to request an inspection. Following the inspection, the registration bureau will assign a HIN to the vessel. Anyone removing or in any way falsifying a HIN, motor or engine number may be fined up to \$500 and imprisoned for one year.

SL 5. Maximum Loading and Horsepower

All boaters operating on the waters of the Commonwealth of Massachusetts must adhere to maximum loading and horsepower requirements detailed in the federal regulations. To review federal regulations, refer to the section on Capacity Plates included in Chapter 3 of this course. Operators should also make sure that their passengers are properly seated in the boat when cruising, preventing them from sitting on the bow, stern or gunwales. Any enforcement officer who observes a motorboat or vessel being overloaded or operated in an unsafe condition and which presents a substantial risk of injury or loss of life, may terminate the use of the motorboat or vessel and direct the operator to take whatever immediate and corrective steps necessary for the safety of the persons aboard the vessel.

The following information was approved by NASBLA and is included in Chapter 3 of the Boater101 Course:

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 U.S. Coast Guard (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 also illegal. In many states, there are fines and penalties for exceeding capacity recommendations, including carrying more than the maximum number of people.

For vessels that are not equipped with a capacity plate, the following formula can be used to calculate the number of persons (averaging 150 lbs each) the vessel can carry safely in good weather:

Number of people = vessel length (feet) X vessel width (feet) ÷ 15

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 Massachusetts waters must carry and, if required, have in operation, acceptable personal flotation devices (PFDs), visual distress signals, fire extinguishers, 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.

Mandatory PFD Usage

In Massachusetts, PFDs are required to be worn at all times by the following:

- youth less than 12 years of age when above deck on a vessel that is underway
- personal watercraft users
- water skiers or any other person being towed behind a vessel
- canoeists and kayakers when operating a vessel between September 15 and May 15

In addition to federal equipment requirements, the Commonwealth of Massachusetts also requires that motorboat operators carry the following safety equipment on board their vessel:

- An efficient sound-signaling device
- An anchor with sufficient line to anchor with in the boat's normal area of operation (PWCs are exempt from this requirement.)
- A manual bailer (PWCs are exempt from this requirement.)
- A paddle or oar (Only for motorboats less than 16 feet in length. PWCs are exempt from this requirement.)

As a boat operator, you should be aware that all boating safety equipment must be used responsibly. Do not signal for help unless you are experiencing an emergency situation. It is illegal to display a false distress signal.

SL 7. Marine Sanitation Devices (MSDs)

Massachusetts law prohibits discharge of any sewage, treated or untreated, into the state's freshwaters. Sewage carries disease and is harmful to people, aquatic plants and animals.

In Massachusetts, there are currently seven No Discharge Areas (NDAs), including all of Buzzards Bay, Waquoit Bay in Falmouth, the Coastal Waters of Harwich, Three Bays/Centerville Harbor in Barnstable, Stage Harbor in Chatham, Wellfleet Harbor, and the Coastal Waters of Nantucket from Muskeget Island to Great Point, including Nantucket Harbor. When traveling in NDA waters, boats equipped with Type I or Type II MSD must secure their MSD in one of the following ways as approved by the U.S. Coast Guard:

- Close the seacock and remove the handle.
- Fix the seacock in the closed position with a padlock or non-releasable wire-tie.
- Lock the door to the space enclosing the toilet with a padlock or door handle key lock.
- When traveling in NDA waters, boats equipped with a Type III MSD (holding tank) must secure their MSD in one of the following ways as approved by the U.S. Coast Guard:
 - Close each valve leading to an overboard discharge
 - Padlock each valve in the closed position
 - Use a non-releasable wire-tie to hold each valve leading to an overboard discharge in the closed position.

Boaters with Type III MSDs can use any of the pump out facilities located throughout the state. For the best service, boaters should call ahead to verify hours or to make an appointment for a pump out. To see the list of the pump out facilities in this state visit the official Massachusetts Office of Coastal Management website: <http://www.mass.gov/czm/potoc.htm>.

SL 8. Muffling Devices

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system to prevent excessive noise and pollutants. The exhaust of every internal combustion engine on any motorboat must be effectively muffled by a muffler or underwater exhaust of a type or types approved by and used in conformity with the rules and regulations of the Massachusetts Environmental Police. The use of cutouts is prohibited, with the following exceptions:

- For motorboats competing in a race previously approved by the Massachusetts Environmental Police,
- For such motorboats while on trial runs during a period not to exceed forty-eight hours before the race, and
- For such motorboats while competing in official trials for speed records during a period not to exceed forty-eight hours immediately following such race.

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.

In cases where death, personal injury or property damage over \$500 occurs, the operator must immediately notify the Massachusetts Environmental Police (MEP). In cases of death, the written report must be filed with the Massachusetts Environmental Police within 48 hours. In all other accident cases requiring a written report, that report must be filed within 5 days. To obtain accident report forms or further safety/legal information contact the Boat & RV Safety Bureau at (617) 727-8760.

SL 10. Vessel Speed Restrictions

Any person operating a motorboat cannot approach or pass another boat in a manner, or at a high rate of speed, which creates a hazardous wake or wash. All boaters need to observe all speed restrictions considering weather conditions such as wind, water, visibility and current, your boat's maneuverability, boat traffic, and proximity to navigational hazards. For inland waters, it is prohibited to operate at a speed greater than 45 miles per hour, unless otherwise indicated.

Swim Areas

The following speed restrictions address operating your boat near a swimming area:

- It is prohibited to operate within 150 feet of a shoreline that is used as a swimming area.
- It is prohibited to operate within 75 feet of a float or marker designating a swimming area.
- It is prohibited to operate your boat at greater than headway speed when operating 150 feet to 300 feet from a shoreline used as a swimming area.

Operating at greater than headway speed when within 150 feet of a swimmer, water skier, mooring area, marina, boat ramp, raft, float or when the operator's vision is obscured in any way is prohibited. Operators must also maintain headway speed when operating in a channel unless markers indicate that greater speeds are allowed. Always maintain a speed that will prevent your boat's wake from rocking other boats or causing damage to existing structures such as docks or pilings. Boat operators are responsible for any damage caused by their wakes.

For the purpose of these regulations, headway speed is defined as the minimum speed a vessel may be operated to maintain steerage way, not to exceed 6 miles per hour.

SL 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.

SL 12. Negligent Operation

It is unlawful to operate a boat in a negligent manner. A person is guilty of negligent operation when he or she operates a motorboat without exercising the necessary care to prevent the endangerment of life, limb, or property of any person. Negligent operation may be the result of carelessness, ignorance, inattention or indifference. The following are examples of negligent operation:

- Operating at a high speed or performing erratic maneuvers in a congested area.

- Operating at excessive speed in low visibility situations such as fog or during a storm.
- Operating when under the influence of drugs or alcohol.
- Operating within or near areas being used by swimmers or divers.
- Towing a person behind the boat after sunset or without an observer.
- Operating at cruising speeds with passengers sitting on the bow, stern or gunwales.
- Cutting through a regatta or marine parade.
- Operating between sunset and sunrise without displaying navigation lights.

SL 13. Interference with Navigation

It is unlawful to:

- Anchor a vessel in the traveled portion of a river or channel 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 Massachusetts in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the laws of Massachusetts.
- 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.

SL 14. Boating Under the Influence

Operating a vessel on Massachusetts waters while under the influence of alcohol or any controlled substance is prohibited. Penalties for boating under the influence may result in the loss of a driver's license. A blood alcohol concentration level of 0.08 is the current standard of intoxication in Massachusetts. Whoever operates a vessel on Massachusetts waters is be deemed to have consented to submit to a chemical test or analysis of his breath or blood in the event he is arrested for operating while under the influence of intoxicating liquor. Anyone arrested for operating under the influence of alcohol who refuses to take a blood alcohol level test is subject to having their motor vehicle license revoked and having their vessel registration revoked for 120 days.

Whoever operates a vessel on Massachusetts waters while under the influence of intoxicating liquor, marihuana, narcotic drugs, depressants, stimulant substances, or the vapors of glue, and operates a vessel recklessly or negligently so that the lives or safety of the public might be endangered, and by such operation causes serious bodily injury will be punished by imprisonment in the state prison for not less than 2½ years nor more than 10 years and by a fine of not more than \$5,000, or by imprisonment in a jail or house of correction for not less than 6 months nor more than 2½ years and by a fine of not more than \$5,000. Other penalties, such as license revocation, may also apply. Boaters who have been previously convicted or assigned to an alcohol education or rehabilitation program by a court in Massachusetts because of a like offense may receive more serious punishments.

SL 15. Mandatory Violator Education

A person convicted of boating under the influence of alcohol or drugs will be assigned to an alcohol education or rehabilitation program by a court of the state.

SL 16. PWC Regulations

Those under the age of 16 are not allowed to operate PWCs in Massachusetts. A person 16 or 17 years of age may operate a PWC if he or she holds a Boating Safety Certificate.

PWCs must carry the same safety equipment as other motorboats (subject to the exceptions discussed in the section titled "Equipment and Lighting Requirements"). All persons on board a PWC must wear a USCG-approved Type I, II, III or V PFD. All PWCs must be equipped with a self-circling device or a lanyard cut off switch. The cut-off switch lanyard must be attached to

the operator, or the operator's clothing or PFD. Self-circling devices and cut-off switches may not be altered and must be functioning while the PWC is in operation.

No person may operate a PWC:

- Within 150 feet of a swimmer, shore or moored vessel, except at headway speed,
- On waters of the state of less than 75 acres,
- Without wearing an approved personal flotation device or
- Between sunset and sunrise.
- For the purposes of towing a person, another vessel or any other thing.

It is illegal to jump the wake or cross unreasonably close to another vessel.

For the purpose of these regulations, headway speed is defined as the minimum speed a vessel may be operated to maintain steerage way, not to exceed 6 miles per hour.

SL 17. Water Ski Regulations

In Massachusetts, no person may use any water ski, surfboard, or similar device on the water of the state in a negligent manner so as to endanger the lives or safety of the public. No one may water ski during the hours from sunset to sunrise. All persons being towed behind a vessel while water skiing or in any other manner must wear a USCG-approved Type I, II or III PFD.

A motorboat, when towing a person on water skis, must have in addition to the operator an observer at least 12 years old who is constantly watching the person being towed. The towing vessel must also be equipped with a ladder, steps, or similar means by which the person being towed can be taken from the water. A PWC may not be used for the purpose of towing a person.

SL 18. Divers-Down Flag

Scuba divers, skin divers and snorkelers must mark their diving area by means of a rigid replica of a "Divers-Down" flag at least 12 X 15 inches in size. The Divers-Down flag shall be displayed on a boat or surface float and must extend a minimum distance of 3 feet from the surface of the water. All divers shall remain in an area within 100 feet of the displayed Divers-Down flag. Boat operators should stay at least 100 feet from a displayed Divers-Down flag. When within a radius of 100 feet of a displayed Divers-Down flag, boat operators must proceed with caution at a speed no greater than 3 nautical miles per hour.

SL 19. Liveries (Rental Agencies)

A "livery boat" is defined as a boat hired or available for hire from a person who offers boats for hire as a regular business. It is unlawful for the owner of a boat livery, or employee to permit any rented motorboat or vessel to depart from his or her premises unless it has been provided, either by the owner or renter, with the required equipment. It is the responsibility of the boat operator to ensure that the rented vessel is properly equipped with safety equipment as required by law. It is illegal to lease or rent a personal watercraft to any person under 16 years of age. It is illegal to lease, hire, or rent a PWC to any person 16 or 17 years of age who does not have in his or her possession the required boating safety certificate.

SL 20. Other State-Specific Regulations

Massachusetts law provides that local governments in the Commonwealth may issue local ordinances, by-laws, and regulations regarding the operation of watercraft on local waterbodies if they are not in conflict with state or federal law and if they are approved by the director and published in a newspaper of general distribution five days in advance of the effective date.

SL 21. Environmental Awareness

Aquatic Nuisance Species

Introducing non-native species into Massachusetts's waters can upset the balance of the ecosystem and hurt the environment. To prevent the spread of nuisance species:

- Inspect your vessel and trailer and remove any plants and animals before leaving the waterbody.
- Drain your motor, live well, and bilge on land before transferring your vessel to a different waterbody.
- Never release live bait into a waterbody or release aquatic animals from one waterbody into another.
- Rinse your vessel's hull, propeller, trailer and equipment. Apply approved antifoulants to the hull.
- Air-dry your vessel and equipment for as long as possible.

Additional Information

For more information on Massachusetts's boating laws refer to the Boating and Recreational Vehicle Safety Bureau Massachusetts Environmental Police at <http://www.mass.gov/dfwele/dle/boatrvsafe.htm>, Massachusetts regulations, and the General Laws of Massachusetts, Part I, Title XIV –Public Ways and Works, Chapter 90B - Motorboats and Other Vessels at <http://www.mass.gov/legis/laws/mgl/gl-90b-toc.htm>.