

STATE OF MONTANA
State-Specific Boating Safety Requirements

SL 1. Law Enforcement Authority

Authorized officers of Montana Fish, Wildlife and Parks have peace officer status for enforcement of the boating regulations. Sheriffs, peace officers, and U.S. Coast Guard (USCG) law enforcement officers also have authority to enforce these provisions. Fish, Wildlife and Parks wardens are authorized to stop, halt or inspect vessels to enforce the laws of this state. The U.S. Coast Guard also has enforcement authority on all federally controlled waters.

SL 2. Age Restrictions

Children 12 years old or younger may not operate a motorboat or a personal watercraft (PWC) powered by a motor of more than 10 horsepower unless accompanied by someone 18 years of age or older.

Those 13 and 14 years old may not operate those vessels without possessing a valid Montana motorboat operator's safety certificate or evidence of completing an approved boating safety course, or unless accompanied by someone 18 years of age or older.

SL 3. Boater Safety Education Requirements

Montana Fish, Wildlife & Parks offers a boat safety education program, includes a home-study course for motorboat and PWC operators. Persons 13 years of age and older, who successfully complete the course, will earn a motorboat operator's certificate. To obtain a motorboat home-study course packet, contact your regional Fish, Wildlife and Parks office or call the state headquarters at 406-444-2535. The USCG Auxiliary also offers boating classes.

SL 4. Vessel Registration

Boat Registration

Sailboats 12 feet long and over and all motorboats and PWCs must be registered and numbered. Non-motorized sailboats under 12 feet and manually propelled boats, regardless of length, are exempt from registration and taxation.

Also exempt are a vessel's lifeboat, and government-owned boats. Properly registered boats from out of state or country on Montana waters for less than 90 consecutive days are also exempt.

Out-of-state boats used in Montana for more than 90 consecutive days must be registered at the county treasurer's office in the county where the boat will be principally used.

How To Register a Boat

In Montana, boat owners must obtain a certificate of ownership (title) and certificate of number (which lists the boat's registration, decal, hull and title numbers) and pay all fees to the County Treasurer in the county where the owner resides. The certificate of number must be carried on board the boat and be available for inspection whenever the boat is in operation. The boat owner will receive one registration decal as proof of payment of fees in lieu of tax.

Registration Number and Decals

The Certificate of Number must be on board the vessel and available for inspection at all times the boat is in operation.

The boat's registration number must be:

- painted on or attached to each outboard side of the bow (forward half) of the vessel;
- read from left to right;
- vertical block letters at least 3 inches in height;
- a color contrasting with the background color of the boat (hull);

- as high above the water line as practical and still be visible;
- maintained in a legible condition;
- written with a space or hyphen separating the "MT" from the number/letter suffix (example: MT 123 ABC or MT - 123 - ABC)

No other numbers or letters may be displayed on the bow of the boat. Registration decals received with the Certificate of Number must be securely attached to each side of the bow of the boat. The decals must be spaced three inches aft (rearward) and directly in line with the boat number displayed on each side. Expired decals must be removed.

Sale, Trade or Transfer of a Boat That Must Be Registered

When ownership of a boat changes, the previous owner must sign the back of the Certificate of Ownership before a county treasurer, deputy county treasurer or notary public. Within 40 days, the new owner must apply for a change of Certificate of Ownership (title) and registration. When purchasing from a private individual, the boat must be registered before being operated. When purchasing from a licensed dealer, the new owner has 40 days to apply for Certificate of Ownership, register the boat and obtain decals. If the boat is operated without proper numbers and license decals during those 40 days, a bill of sale (or other evidence of transfer showing the date of transfer) must be on board.

In addition, a boat owner must contact the county treasurer within a reasonable amount of time in the event of a change of address or upon the sale, destruction, abandonment or theft of the boat.

All boats sold or manufactured in Montana must comply with all applicable equipment requirements.

Measuring Boat Length

Boat length is determined by measuring the distance down the centerline from the foremost part to the aftermost part of the boat. Bowsprits, rudders, outboard motors, brackets, or similar fittings should not be included in the measurement.

Registration Fees and Fee In Lieu of Tax

The Certificate of Ownership fee (a one-time fee until ownership changes) is \$10.00. The registration fee is \$15.50. The "fee in lieu of tax" is based on a vessel's length and/or age. Twenty percent of the fees in lieu of tax goes to Fish, Wildlife and Parks for the improvement of regional boating facilities. Failure to pay the fee in lieu of tax is a misdemeanor punishable by a fine equal to four times the applicable fee.

SL 5. Maximum Loading and Horsepower

The State of Montana 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

Montana and federal laws require that basic safety items be on board all boats.

Flotation Devices

Lifejackets: USCG-approved Personal Flotation Devices (PFDs) must fit the intended wearer, be readily accessible, and be in good condition.

There must be a wearable PFD (Type I, II, or III) for each person on vessels less than 16 feet long (including canoes and kayaks of any length). A throwable PFD (Type IV) may not be substituted for wearable PFDs.

Vessels 16 feet and longer must have one Type I, II or III PFD for each person on board. In addition, one USCG-approved Type IV throwable PFD must be on board and be immediately available for use.

A Type V PFD may be used in place of any PFD if specifically approved by the USCG for the activity in which the wearer is engaged. The Type V PFD must be worn at all times to be acceptable as a life jacket.

Sailboard operators under 15 years of age must wear a PFD at all times. If two or more persons are occupying a sailboard, each person must wear a PFD.

Anyone towed by a boat must wear a PFD.

All persons operating or riding on a personal watercraft must wear a PFD.

Mandatory PFD Usage

All children under the age of 12 must wear a USCG-approved PFD while on a boat less than 26 feet in length that is in motion.

Fire Extinguishers

All motorboats must have on board a USCG-approved fire extinguisher as outlined below:

Motorboats under 26 feet long must have at least one B-1 fire extinguisher.

Exception: Motorboats less than 26 feet long propelled by an outboard motor and of completely open construction (no closed spaces where gasoline fumes may be trapped) are not required to have a fire extinguisher.

Motorboats 26 feet to under 40 feet must have at least two B-1 or one B-II fire extinguishers.

Motorboats 40 feet to not more than 65 feet must have at least three B-1 or one B-1, and one B-II fire extinguishers.

When a fixed fire extinguishing system is installed and operational in the machinery space of a boat, one less B-1 fire extinguisher is required.

A fire extinguisher is classified by the type of fire it is meant to extinguish and its size.

Extinguishers approved for motorboats are hand-portable of either B-1 or B-II classification.

Backfire Flame Control (Flame Arrestors)

Every inboard gasoline engine must be equipped with a backfire flame arrestor that is securely attached to the carburetor and in proper working order.

Ventilation

All boats of closed construction (the engine or fuel compartments are not open to the atmosphere) and which use gasoline as fuel must be fitted with a ventilation system to remove explosive vapors from the bilges of engine and fuel tank compartments. These explosive vapors are heavier than air and accumulate in the bottom of a boat without proper venting, creating an extremely hazardous condition.

Montana requires at least two ventilation intake ducts to be fitted with cowls or their equivalent to vent bilges and fuel tank compartments. At least one intake duct must be installed so that it extends to the point at least midway to the bilge, or at least below the level of the carburetor air intake. At least one exhaust duct must be installed so as to extend to the lower portion of the bilge. The duct should not be positioned so that a normal accumulation of bilge water would obstruct it.

Remember to ventilate your boat adequately before starting it by running your blower for at least 4 minutes - especially after fueling.

Whistles, Horns and Bells

Sirens may not be used or installed except on authorized emergency vessels.

A motorboat 16 to 26 feet long must carry some method of producing an efficient sound signal audible for one-half mile, such as a whistle or a horn.

A motorboat more than 26 feet long must have on board a bell and a whistle or horn capable of making a sound that is audible for one mile.

Maneuvering and Warning Signals:

One Long Blast: warning signal (coming out of a slip)

One Short Blast: I will pass you on my port (left) side

Two Short Blasts: I will pass you on my starboard (right) side

Three Short Blasts: I am in reverse

Five or More Blasts: danger signal

Navigational Lights

Between sunset and sunrise and at other times of limited visibility, vessels in operation must display navigational lights. All white lights required by the rules must be visible from a distance of at least two miles. All colored lights must be visible for a distance of at least one mile.

Navigation lights include:

- a green light on the starboard (right) side of the boat
- a red light on the port (left) side of the boat
- a white light that is visible in all directions (usually located on the stern and higher than the red and green lights)

Manually propelled (non-motorized) boats may display navigation lights or instead carry a white light that can be displayed in time to avoid a collision.

Boats at anchor outside a designated mooring area must display an all-around white anchor light between sunset and sunrise.

SL 7. Marine Sanitation Devices

Discharge of Waste

It is unlawful to discharge garbage, refuse, waste or sewage into or near the water. Boats equipped with toilets or porta-potties must dispose of waste properly. Because there are so few marine pumpout stations in Montana, boaters should check on the local availability of waste disposal stations before using their on-board facilities.

SL 8. Muffling Devices

Motorboats and PWCs may not emit noise in excess of 86 decibels measured at a distance of 50 feet. At idle speed, exhaust noise may not be in excess of 90 decibels measured one meter from the muffler.

More restrictive noise standards are in effect for Flathead Lake (Flathead and Lake Counties), Echo Lake (Flathead County) and Swan Lake (Lake County) because of population density and heavy recreational use. On these waterways, a person may not operate a motorboat or PWC in

proximity to the shoreline if the noise emitted is greater than 75 decibels measured at shoreline, in accordance with the shoreline sound level measurement procedure. Certain exceptions are made for state-sanctioned regattas or boat races and by special permit.

SL 9. Boating Accidents

Boating accident reports are required by law and provide valuable information for use in the prevention of future boating accidents. An accident must be reported immediately to the local sheriff's office or game warden if it caused:

- the death or disappearance of any person
- an injury requiring medical treatment beyond first-aid
- property damage in excess of \$100

The operator of a boat involved in a collision, accident or other casualty must:

- render practical assistance, without putting self or others in danger, to persons affected by the accident
- give his or her name, address and identification of the boat in writing to any person injured and to the owner of any damaged property.

Boating accident report forms are available from the county sheriff's office, game wardens, or any Montana Fish, Wildlife and Parks office.

SL 10. Vessel Speed Restrictions Lakes Greater than 35 Acres

All watercraft operating on public lakes and reservoirs greater than 35 surface acres within the western fishing district are limited to no-wake speed from the shoreline to 200 feet from the shoreline. Exceptions include:

- PWCs, which must maintain a minimum operating speed to stay upright and maneuver in the water, may travel at that minimum operating speed following the most direct route through the no-wake zone to and from shore.
- Motorized watercraft towing a skier from or to a dock or the shore, except that watercraft must travel the most direct route through the no-wake zone.
- The following lakes located with the Thompson Chain of Lakes in Lincoln County:
 - Crystal Lake
 - Horseshoe Lake
 - Loon lake
 - Lower Thompson Lake
 - McGregor Lake
 - Middle Thompson Lake
 - Upper lobe of Upper Thompson Lake

"No Wake Speed" is defined as a speed that produces no "white" water in the track or path of the vessel or in created waves immediate to the vessel.

Lakes 35 Acres or Less

All watercraft operating on public lakes and reservoirs in the Western Fishing District that have 35 acres or less of surface water are limited to no-wake speed. The following list of lakes has been determined to be 35 acres or less by means of the 1:100,000-scale hydrography layer within the department's Geographic Information System (GIS).

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. Reckless and Careless Operation

Negligent operation is defined as operating a vessel in a manner that may endanger the personal health or damage the property of any person. A boat's owner is liable for injury and/or damage resulting from negligent operation.

Montana law prohibits:

- operating a boat in a careless manner including such things as weaving through congested traffic, passing unreasonably or unnecessarily close to another vessel, and buzzing or wetting down others;
- crossing or jumping the wake of another boat within 100 yards of the vessel or within 100 yards of a water skier being towed by the vessel (except when directly entering or leaving a marina or other watercraft docking/loading area);
- traveling at a speed that does not allow bringing the boat to a stop within the assured clear distance ahead;
- approaching, departing from, or passing by a dock, ramp, diving board or float.

Vessel operators must observe all "no wake" and speed-limit signs located on the water.

Boaters are responsible for any damage caused by their wake.

Check with a local game warden or the Fish, Wildlife and Parks office for additional speed and use restrictions that may apply on particular waters of Montana.

SL 13. Interference with Navigation

It is unlawful to:

- Anchor a vessel in the traveled portion of a 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 Montana in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of Montana.

SL 14. Boating Under the Influence

It is unlawful to operate or be in actual physical control of a vessel, sailboat, water skis, sailboard, or similar device while under the influence of alcohol or drugs. A person with an alcohol concentration of 0.08 or more is considered under the influence of alcohol.

SL 15. Mandatory Violator Education

At this time, the State of Montana does not require boating safety education for violators of the state's boating laws or regulations.

SL 16. PWC Regulations

All operators and riders aboard PWCs must wear USCG-approved PFDs.

If the PWC is equipped with a lanyard-type cut-off switch, the lanyard must be attached to the operator's wrist or PFD.

A "no wake" speed must be maintained when within 200 feet of a dock, swimmer, swimming raft, non-motorized boat or anchored vessel.

Stand-up PWCs and PWCs towing a water skier must travel at the minimum speed necessary to operate when leaving from or returning to a dock or shore.

All rules regarding safe operation of a boat apply to PWCs as well.

SL 17. Water Ski Regulations

Water skiing and other towed recreation are prohibited between sunset and sunrise.

There must be at least two people in the towing boat: an operator and a person in a position to observe the skier. If the operator is 12 or younger, the observer must be at least 18.

Anyone towed by a boat must wear a USCG-approved PFD.

Water skiers must not approach within 50 feet of swimmers or enter a designated swimming area.

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. Scuba divers, skin divers and snorkelers must mark their diving area by means of a divers-down flag.

Boaters must stay at least 200 feet away from a "divers-down" flag. If a boat must approach this warning flag, it must do so at a "no wake" speed.

SL 19. Liveries (Rental Agencies)

A person must be 18 years or older to rent a motorboat or a PWC powered by a motor rated at more than 10 horsepower. All required equipment, as described in this booklet, and a copy of the rental agreement must be on board rented vessels.

SL 20. Other State-Specific Regulations

Regulations for Specific Waters

Some Montana state waterways are either closed or have public use restrictions for reasons of public health, safety or protection of property. Only authorized exceptions, such as search and rescue craft, are exempt. Some waterways have multiple restrictions that apply, so be sure to check all categories for the body of water you plan to use. For a complete listing, check: <http://www.fwp.state.mt.us/fishing/boatrestrictions.asp>. Other dams not listed may also be posted for restricted access.

Races, Regattas and Other Marine Events

Written permission from Montana Fish, Wildlife and Parks is necessary to conduct a boating race, regatta or other marine event on Montana's waters. Letters of application must be sent at least 30 days prior to the scheduled event. Mail to: Montana Fish, Wildlife and Parks, Boating Law Enforcement, P.O. Box 200701, Helena, MT 59620-0701.

SL 21. Environmental Awareness

Harassment of Wildlife

Powerboats, sailboats and boats under sail may not be used to kill, capture, take, pursue, concentrate, drive or stir up any upland game birds, game or fur-bearing animals. Motor-driven vehicles may not be used to drive, molest, flush or harass any game animal or game bird while hunting.

Respecting Wildlife and Habitat

For your own enjoyment and for the well-being of the wildlife, please observe these viewing tips:

- If you interrupt an animal's normal behavior, you are too close, too big or too active. Use binoculars or zoom lenses to watch close up. Make yourself as small and unobtrusive as possible, possibly using natural cover as camouflage.
- Avoid disturbing waterfowl to make them fly.
- Give nests and nesting areas a wide berth to help protect eggs or the young. When adult birds are forced from a nest, the eggs are exposed to predators and chilling. An absence of only an hour or so may result in the death of the young.
- In northwest Montana, where loon nests are common, floating signs protect many nesting sites.

Stopping The Spread Of Harmful Species

Montana's waters can be threatened by recreationists who unknowingly transport non-native or harmful species of aquatic life or plants from one body of water to another. Montana trout being affected by whirling disease is an example of this. To prevent the spread of harmful species:

- clean all vegetation and mud off your boat, trailer (check axle, rollers and hitch), motor and equipment before leaving the water access
- drain and clean your live well, bail containers and engine cooling system after being out on the water
- remove any mussels from your boat hull
- do not dump any live fish into any waters
- clean and dry your equipment before launching in other waters

Additional Information

For further information on Montana's boating rules and regulations, refer to <http://fwp.state.mt.us/fishing/boatrestrictions.asp>, Montana Code Annotated (MCA) at <http://data.opi.state.mt.us/bills/mca/search.htm>, and the Administrative Rules of Montana (ARM) – Fish, Wildlife and Parks – Ch. 11 – Recreational Water Use at http://arm.sos.state.mt.us/Title_12_Chapter_Table_of_Contents.htm.