

STATE OF NORTH CAROLINA

State-Specific Boating Safety Requirements

1. Law Enforcement Authority

The North Carolina Wildlife Resources Commission's Division of Enforcement is the sole agency responsible for enforcing the boating laws and regulations applicable to the waters of North Carolina. In many areas of the state, enforcement constitutes a large part of an officer's duties. While activities on the waters of the state occur more frequently during the summer months, the officer's work continues through the winter, as fishermen and other sportsmen are still active.

The goal of enforcement is safety. Routine inspections are conducted to ensure boaters have the required safety equipment, such as fire extinguishers, personal flotation devices (PFDs), and running lights. There is strict enforcement of laws prohibiting operation of a vessel by an impaired operator and careless and reckless operation.

2. Age Restrictions

North Carolina General Statutes provide that anyone between 14 and 16 years old must either be accompanied by an adult 18 years of age or older or complete a National Association of State Boating Law Administrators (NASBLA) approved Boating Education Course in order to operate a PWC on the waters of this state. Operators having completed a NASBLA approved boating course must carry the certification card and proof of age when operating a personal watercraft (PWC). Effective November 1, 2005, no person under the age of 14 may operate PWC on any North Carolina waters. This age requirement does not apply to persons who are 12 years of age prior to November 1, 2005.

3. Boater Safety Education Requirements

Before a person between the ages of 14 and 16 can be the sole operator of a personal watercraft, he or she must complete a NASBLA-approved boating safety course.

4. Vessel Registration

What vessels must be registered?

- All motorized vessels, including jet skis and other PWCs, operated on public waters must be registered.
- All sailboats used on North Carolina waters must be registered if they are longer than 14 feet at the load waterline.
- If a vessel registered in another state is brought into North Carolina for more than 90 consecutive days, the vessel registration must be transferred to North Carolina.
- If a vessel owner chooses to title his or her vessel, then it must also be registered.

What Vessels Do Not Need Registration? (N.C. Gen. Stat. § 75A-7)

- Unused vessels kept on dry land do not need to be registered in North Carolina.
- Rowboats, canoes, and rafts moved only by oars, paddles, or the current do not need to be registered in North Carolina.
- A vessel used only on a private pond does not need to be registered in North Carolina.
- U.S. Coast Guard (USCG) documented vessels do not need to be registered in North Carolina.
- Ship's lifeboats and dinghies do not need to be registered if used solely for emergency lifeboat purposes. However, if these vessels are motorized and used for non-emergency purposes, they will need to be registered.

Effective January 1, 2007, anyone who purchases or transfers a motorized vessel or sailboat 14 feet or longer, or who owns a personal watercraft (jet ski), will be required to title the vessel.

5. Maximum Loading and Horsepower

Boat builders must comply with Federal law by putting a Capacity Plate in view of the helm (steering area) on motorized boats under 20 feet long. This plate displays three important items: the maximum weight in pounds of persons on board, the maximum carrying weight in pounds of the vessel and the maximum horsepower recommended for the vessel.

The capacity plate should always be checked to avoid overloading or over-powering the vessel. A motor larger than recommended will make the stern too heavy and could cause the boat to flip. The transom may ride too low in the water and the vessel could be swamped by its own wake or that of a passing vessel. The vessel may not sit properly in the water and may be difficult to handle.

6. Equipment and Lighting Requirements

Personal Flotation Devices

All recreational vessels must be equipped with one Type I, II, or III, PFD of a suitable size for each person onboard and for each skier being towed.

All recreational vessels 16 feet in length and longer must have one Type I, II, or III PFD of suitable size for each person onboard and for each skier being towed. In addition, one throwable Type IV PFD must be onboard the vessel.

Based on the USCG's new rule, any child under age 13 must wear a USCG-approved PFD if the boat is underway; i.e., not anchored or tied to shore. The only exceptions are for children who are below deck or inside an enclosed cabin. This law does not apply to commercial vessels.

Fire Extinguisher Requirements

All boat operators need to have onboard the required fire extinguishers. Refer to chapter 2 to review the required number and type of fire extinguishers necessary for each boat class.

Sound-producing devices include horns or bells and whistles. Vessels under 12 meters (39.4 feet), while not required to have a horn or whistles and bells, must have some means of making an efficient sound signal.

A vessel between 12 and 20 meters (65.6 feet) must be equipped with a horn or whistle capable of being heard for one-half mile. It must also be equipped with a bell with a diameter of at least 200 mm (7.87 inches) across the mouth. Provided that manual sounding of the required signals is possible, vessel operators may substitute mechanical or electronic sound signal appliances for required sound producing devices since such appliances have similar sound characteristics.

Carburetors on inboard gasoline engines must be equipped with USCG-approved backfire flame arrestors or an arrangement of the carburetor or engine air induction system to disperse any flames caused by engine backfire.

Inboard vessels using gasoline or fuel (with a flash point of less than 110 degrees Fahrenheit) and outboard vessels with enclosed bilges or fuel-tank or other compartments into which explosive or flammable gases may flow and be trapped must have each engine and fuel tank compartment equipped with two or more cowled ventilators arranged and ducted for the efficient evacuation of such vapors.

7. Marine Sanitation Devices (MSDs)

North Carolina currently has no requirements on Marine Sanitation Devices that are in addition to the Federal regulations. There is a maximum fine of \$1,000 for Marine Sanitation Device infractions.

8. Muffling Devices

Vessel engines with open-air exhausts and the capacity to operate at more than 4000 RPM must have effective muffling equipment installed on each exhaust manifold stack. Exceptions include licensed commercial fishing boats.

9. Boating Accidents

Operators of any numbered or unnumbered vessel, involved in a collision, accident or any other casualty has certain obligations required by law:

1. The operator must stop and render assistance to other persons affected by the accident if practical and necessary to save them or minimize any danger resulting from the accident.
2. The operator must give his or her name, address and the number of the vessel (if it is numbered), in writing, to any person injured and to the owner of any property damaged in the collision or accident.
3. (a) When an accident occurs that involves a vessel or its equipment and results in the death or disappearance of a person from a vessel, the operator must immediately notify the Wildlife Resources Commission by the quickest means available. The notification should contain:
 - The date, time and exact location of the accident;
 - The name of each person who died or disappeared;
 - The name and number of the vessel; and
 - The names and addresses of the owner and operator.(b) When the operator of a vessel cannot give the required notice, each person on board the vessel must notify the North Carolina Wildlife Resources Commission or determine that adequate notice has been given.
4. The operator will be required to file a written accident report on a form provided by the Wildlife Resources Commission if the accident results in any one or more of the following:
 - Loss of life;
 - Injury of a person that requires medical treatment beyond first aid;
 - Actual physical damage to property (including vessels) in excess of \$500.00;
 - Disappearance of a person from the vessel under circumstances that indicate death or injury.

Reports in death, disappearance and injury cases must be submitted within 48 hours; reports in other cases are required within 10 days. When the vessel operator cannot submit an accident report, the owner of the vessel must submit the report.

The purpose of the accident report is to provide statistical information on the causes, frequency and location of serious boating accidents and the transmittal of information as required by N.C. Gen. Stat. § 75A-11 of the North Carolina Boating Safety Act, which further provides that the required accident reports "shall not be admissible as evidence."

10. Vessel Speed Restrictions

While local conditions may warrant the imposition of vessel speed restrictions, the only general speed limit is that which is implied in the safe operation of vessels under existing circumstances. Speed that is excessive under the circumstances, and that endangers persons or property is one form of reckless operation prohibited by North Carolina's boating law. A "no wake zone" is an area within the waters of North Carolina where vessels are required to travel at "no-wake speed," meaning a slow speed that creates no appreciable wake. The Wildlife Resources Commission may only establish no-wake zones in waters of the state where an investigation by a Wildlife Resources Commission enforcement officer has demonstrated that water safety hazards exist. Watercraft entering, leaving or passing within 50 yards of a state-owned or state-controlled boating and fishing access area must be operating at "no-wake" speed.

11. Mooring to Markers or Buoys

Federal law prohibits mooring to any navigational marker or buoy unless there is an emergency.

12. Reckless and Careless Operation

It is unlawful for any person to operate a motorboat or vessel or manipulate any water skis, surfboard, or similar device in a reckless or negligent way that could endanger the life, limb or property of any person.

13. Interference with Navigation

Federal law prohibits the interference with the navigation of another vessel.

14. Boating Under the Influence

It is unlawful for a person to operate a motorboat or vessel, or manipulate any water skis, surfboard, or similar device while under the influence of an impairing substance. No person may operate a motor vessel after consuming alcohol sufficient to cause a blood alcohol concentration of 0.08 or greater.

15. Mandatory Violator Education

Currently, North Carolina does not require education for violators of boating laws.

16. PWC Regulations

Personal Watercraft are defined by law as "A small vessel which uses an outboard motor or propeller-driven motor, or an inboard motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel." PWCs are commonly known by their manufacturer names such as "Jet Skis" and "Wave Runners."

Who Can Operate a PWC?

- It is unlawful for anyone under 14 years old to operate a PWC in North Carolina waters.
- A person at least 14 years old but less than 16 years old can operate a PWC if they are riding with a person who is at least 18, or if the youth has first successfully completed an approved boating safety education course (proof of age and safety course completion must be carried by the youth during operation of the PWC).
- It is unlawful for the owner of a PWC to knowingly permit a person under the age of 16 to operate a PWC unless he or she has first completed an approved boating safety education course.
- It is unlawful for a person who has temporary or permanent responsibility for a person under the age of 16 to knowingly permit that person to operate a PWC unless he or she has first completed an approved boating safety education course.

PWC Operation

- It is unlawful for any person to operate a PWC on North Carolina waters between sunset and sunrise.
- All PWC riders, passengers and those being towed must wear approved personal flotation devices.
- If the PWC is equipped with a lanyard-type engine cut off switch, the lanyard must be worn by the operator at all times.
- A PWC must be equipped with a rearview mirror or an observer on board in addition to the operator to legally tow someone on skis or similar device.
- PWCs must be operated at all times in a reasonable and prudent way. Maneuvers that endanger people or property are considered reckless operation.

- It is unlawful for any person to operate a PWC on the waters of North Carolina at greater than no-wake speed within 100 feet of an anchored or moored vessel, a dock, pier, swim float, marked swimming area, swimmers, surfers, persons engaged in angling, or any manually operated propelled vessel, unless the personal watercraft is being operated in a narrow channel (see below).
- It is unlawful for any person to operate a PWC in a narrow channel (see below) at greater than no-wake speed within 50 feet of swimmers, surfers, persons engaged in angling, an anchored or moored vessel, a dock, pier, swim float, marked swimming area, or any manually operated propelled vessel.
- It is unlawful for any person to operate a PWC and tow another person on water skis or similar device unless the total number of persons operating, observing, and being towed does not exceed the number of passengers identified by the manufacturer as the maximum safe load for the vessel.

A "narrow channel" means a segment of the waters of the State 300 feet or less in width.

Renting PWCs

- It is unlawful to rent a PWC to someone under 16 years of age unless that person meets the conditions in the section, "Who Can Operate a PWC?"
- A minimum of \$300,000 insurance must be carried on each PWC rented to the public.

Personal Flotation Devices and Safety Equipment

PWCs are subject to the same safety equipment requirements as other vessels. In addition:

- No person is allowed to operate or allow operation of a PWC unless each person riding or being towed is wearing a type I, II, III, or V personal flotation device approved by the USCG. (Inflatable PFDs do not satisfy this requirement.)
- If the PWC is equipped by the manufacturer with a lanyard-type cut-off switch, it must be attached to the PWC operator.

Towing Skiers

It is unlawful for any person to operate a PWC towing another person on water skis or other device unless the PWC has on board, in addition to the operator, an observer who must monitor the person(s) being towed or the PWC is equipped with a rearview mirror; and the total number of persons operating, observing, and being towed does not exceed the number of passengers identified by the manufacturer as the maximum safe load for the vessel.

Reckless Operation

Personal Watercraft must be operated in a reasonable and prudent manner. Maneuvers that endanger life, limb, or property constitute reckless operation of a vessel and include:

1. Unreasonably or unnecessarily weaving through congested vessel traffic.
2. Jumping the wake of another vessel within 100 feet of such other vessel or when visibility around such other vessel is hindered.
3. Intentionally approaching another vessel, swerving at the last possible moment to avoid collision.
4. Operating at greater than no-wake speed within 100 feet of swimmers, surfers, persons engaged in angling, an anchored or moored vessel, shoreline, dock, pier, swim float, marked swimming area, or any manually operated propelled vessel.
5. Operating contrary to the "rules of the road" or following too closely to another vessel, including a PWC. "Following too closely" is legally defined as proceeding in the same direction of another vessel and operating at a speed greater than 10 mph when approaching within 100 feet to the rear or 50 feet to the side of another vessel underway, unless that vessel is operating in a narrow channel, in which case a PWC may operate at the speed and flow of other vessel traffic.

Operating Hours

It is unlawful to operate a personal watercraft on North Carolina waters between sunset and sunrise.

17. Water Ski Regulations

North Carolina boating law has several sections that relate to the towing of persons on water skis, surfboards and other similar devices, and the manipulation of these devices by the persons being towed. It prohibits operating or manipulating such devices:

1. In a reckless or dangerous way ;
2. While under the influence of an impairing substance;
3. Where the direction or location of the device may be manipulated or controlled from the boat in a way that might cause the person being towed to collide with any object or person;
4. Between one hour after sunset and one hour before sunrise;
5. At any other time, unless:
 - The vessel is equipped with a rearview mirror, or
 - There is an observer onboard the vessel in addition to the operator, or
 - The person being towed is wearing a life preserver.

18. Divers-down Flag

Persons engaged in or assisting skin or scuba diving in North Carolina waters open to boating must display the diver's flag in the area where the diving is occurring. This flag must not be displayed when there is no one diving, and it must not be placed at any location where it will unreasonably obstruct navigation. Vessels may not come within 50 feet of any structure displaying a diver's flag, except when the flag is an unreasonable obstruction to navigation.

19. Liveries (Rental Agencies) (N.C. Stat. §§ 75A-8, 75A-13.3)

Liveries should provide their renters with all required equipment and inform them of proper navigational rules and regulations.

It is unlawful to rent a PWC to someone under the age of 16 unless that person meets the following conditions:

- That person is at least 14 years old but under 16 and they are riding with a person who is at least 18; or the youth has first successfully completed an approved boating safety education course (proof of age and safety course completion must be carried by the youth during operation of the PWC.)
- A minimum of \$300,000 insurance must be carried on each PWC rented to the public.

20. Environmental Awareness

Colonial Waterbird Nesting Areas

Coastal islands and beach areas posted as Colonial Waterbird Nesting Areas are being managed to protect nesting populations of herons, egrets, gulls, pelicans, and terns. Special regulations are enforced in these areas, and access is prohibited from April 1st to August 31st each year, except by special permit. Dogs are prohibited from these areas during this timeframe. Access on these areas from September 1st to March 30th is permitted as allowed by the landowner. North Carolina has more than 37,000 miles of rivers and streams and more than 3,100 square miles of bays and harbors for residents and visitors to use and enjoy. State waters are usually suitable for swimming, boating, and fishing.

North Carolina monitors its waterways on an ongoing basis. From time to time, a waterway may be temporarily affected by an algal bloom or certain other conditions

that kill or otherwise harm fish. If that happens and *Pfiesteria* is suspected, the affected waterway will be closed until conditions improve. The public is notified of closings and re-openings through news releases to the media and recorded notices on the telephone hotline (1-888-823-6915). A list of fish kills that is updated weekly is also posted on the Internet. Most of these are not related to *Pfiesteria*, however.

The public is encouraged to call the state hotline at 1-888-823-6915 to learn whether a health warning has been issued for any coastal waters.

The North Carolina Wildlife Resources Commission is an Equal Opportunity Employer. Wildlife programs are administered for the benefit of all North Carolina citizens without prejudice towards age, sex, race, religion, or national origin. Violations of this pledge may be reported to the North Carolina Wildlife Resources Commission, Equal Employment Officer, Personnel Office, 1703 Mail Service Center, Raleigh, NC 27699-1703. Telephone (919) 733-2241.

Local Restrictions

Some counties have more restrictive local laws or ordinances pertaining to vessel operation. Information on these restrictions may be obtained from local governments and sheriffs' departments.

Official copies of local regulations applying to specific waters in North Carolina may be obtained upon request from the North Carolina Wildlife Resources Commission.

Boat Races and Regattas

Regattas, tournaments, and other marine exhibitions may be held on navigable waters of the State of North Carolina when approved in advance by the USCG. Application must be made to the USCG District Commander at least 30 days prior to the proposed event.

Additional Information

For more information on North Carolina boating law, refer to the North Carolina Wildlife Resources Commission at: http://www.ncwildlife.org/fs_index_05_boating.htm or see the North Carolina General Statutes on boating safety at <http://www.ncleg.net/gascripts/Statutes/Statutes.asp>.