

STATE OF NEBRASKA
State-Specific Boating Safety Requirements

SL 1. Law Enforcement Authority

The Law Enforcement Division of the Nebraska Game and Parks Commission is the lead agency that enforces the boating laws and regulations. All law enforcement officers have the authority to stop and board your vessel to check for compliance with state and federal laws. Any operator observing flashing red/blue lights on an approaching vessel must immediately stop and yield the right-of-way if necessary. The U.S. Coast Guard (USCG) also has enforcement authority on all federally controlled waters.

SL 2. Age Restrictions

It is illegal for persons less than 14 years of age to operate a motorboat or Personal Watercraft on waters within the State of Nebraska. Effective January 1, 2004, it is unlawful for a person under 18 years of age to operate a motorboat or personal watercraft (PWC) on Nebraska waters unless he or she has successfully completed a boating safety course approved by the Nebraska Game and Parks Commission and has been issued a valid boating certificate.

SL 3. Boater Safety Education Requirements

Effective January 1, 2004, it is unlawful for a person under 18 years of age to operate a motorboat or PWC on Nebraska waters unless he or she has successfully completed a boating safety course approved by the Nebraska Game and Parks Commission and has been issued a valid boating certificate.

SL 4. Vessel Registration

All vessels powered by any mechanical device and operated on Nebraska waters must be registered and/or numbered in Nebraska. Exemptions include:

- Vessels not powered by machinery at any time.
- Vessels owned by any government or political subdivision.
- Motorboats registered in another state and operated in Nebraska less than 60 consecutive days.
- USCG-documented vessels.
- Racing type motorboats when competing in state approved races and during trial runs 48 hours prior to or 48 hours after competition.
- A ship's lifeboat.

As of January 1, 1997, first-time owners of newly acquired motorized vessels and previously owned motorboats must obtain a title from the County Clerk in the county where the owner resides, before the County Treasurer will issue or renew any motorboat registration. You will need to know your Hull Identification Number to title and register your boat.

Upon registration, you will be issued a certificate of number and a validation decal. The certificate must be on board whenever the boat is being operated. The boat's registration numbers must be properly displayed on both port and starboard sides of the vessel starting with the validation sticker followed by two capital block letters "NB" followed by a 2-inch space and three digits in a numerical group followed by a 2-inch space and two or three capital block letters. All registrations are issued for three-year periods and expire on December 31st of the last year of registration.

SL 5. Maximum Loading and Horsepower

The State of Nebraska laws require all boats when loaded to retain at least ½ of the total depth of the boat above the water when measured at the center of the boat and shall not exceed the overloading limits set by the mandatory Coast Guard capacity plate installed on vessels by manufacturers. 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.

On boats with no capacity information label, use the following formula to determine the number of persons your vessel can safely carry in good weather conditions:

PERSONS (average 150 lbs. each) = Length (ft) x width (ft) divided by 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 Nebraska 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 Device

All vessels, except sailboards, must have one USCG-approved, Type I, II, III, or V PFD for each person on board. In addition, all vessels except PWCs, canoes, kayaks and sailboards, must be equipped with at least one USCG-approved throwable flotation device (Type IV). Required PFDs must be readily accessible in the event of an emergency.

Mandatory PFD Usage

All children under the age of 13 must wear a USCG-approved PFD while onboard any vessel, except when hunting waterfowl in an anchored boat.

Required Lighting

All vessels in use from sunset to sunrise must display the lights as required by the U.S. Coast Guard. No other lights may be used unless a spotlight is needed for difficult navigation. Every white light prescribed must be visible at a distance of at least two miles. Every colored light prescribed must be visible at a distance of at least one mile, showing green to starboard and red to port and screened to show from dead ahead to 22.5 degrees aft on the respective side.

All motorboats and sailboats must be equipped with a lantern or flashlight for emergencies.

All vessels while at anchor must display the 3600 white light, except while anchored in a docking or anchorage area.

Fire Extinguisher

Inboard motorboats and any motorboats, which have closed compartments, closed living spaces or permanently installed fuel tanks, must carry the necessary fire extinguishers as required by federal regulations. No fire extinguishers are needed on outboard motorboats under 26 feet in length of open construction and not carrying passengers for hire. All airboats must have the appropriate number of fire extinguishers according to their class. To review federal fire extinguisher requirements, refer to the Chapter 2 of this course.

Sound Producing Devices

Every vessel of Classes 1, 2, 3, and 4 must have an efficient whistle or other mechanical sound-producing device. Every mechanically powered boat of Classes 3 and 4 must be equipped with an efficient bell.

Flame Arrestor

Every motorboat with an inboard motor using gasoline fuel must have the carburetor of every engine equipped with an efficient flame arrestor or similar device. These devices must be USCG-approved.

Ventilation Systems

Every motorboat, except those of open construction, using volatile liquid fuel must have a prescribed venting system for bilges and fuel-tank compartment in accordance with federal regulations.

Additional Required Equipment

When operating on Nebraska waters, vessels must have the following items onboard (in addition to safety equipment required by federal law):

- Every vessel, except PWCs, sailboards and boats over 26 feet in length, must carry an oar or paddle.
- Every vessel, except PWC and sailboards, must be equipped with a bailing bucket, bilge pump or sponge.
- Exhaust of all engines used on motorboats must be effectively muffled in such a manner as to not exceed 96 db when measured at 100 feet or more when the boat is on plane.

SL 7. Marine Sanitation Devices

Nebraska law prohibits the discharge of any sewage, treated or untreated, into the state's freshwaters. Every vessel with an installed toilet must have an operable USCG-certified marine sanitation device (MSD) Type I, II or III. If equipped with a "Y" valve, and when operating on Nebraska waters, the valve must be secured in the closed position by a padlock, non-releasable wire tie or removal of the handle, so that the valve can't be used either accidentally or intentionally with the owner or operator's knowledge. No waste or container of such waste may be placed, left, or discharged into or near any waters of this state.

SL 8. Muffling Devices

To reduce noise, all internal combustion engines used on motorboats must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system. Muffling systems help boat operators avert collisions, while following safe boating practices, since excessive noise can prevent an operator from hearing signals and voices.

A motorboat is prohibited from operating on Nebraska waters in such a way as to exceed a noise level of 96 decibels when measured at 100 feet or more on a plane using the A-

weighting network of a sound level meter complying with the standards set forth in S1.4-1983 (R 2001) of the American National Standards Institute, as those standards existed on August 31, 2003.

It is unlawful to equip an engine with dry stack headers or pipes that extend directly from the engine without any type of muffler unless the motorboat is competing in an authorized marine event.

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. Every vessel operator involved in a boating accident must file a written report in duplicate, whenever a boating accident results in:

- Loss of life,
- Disappearance of a person,
- Loss of consciousness,
- Medical treatment, or disability for more than 24 hours, or
- Property damage in excess of \$500.

Accidents resulting in death, disappearance, and injury must be reported to the Nebraska Game and Parks Commission within 24 hours. Reports of other cases are required within five days. Accident reports must be submitted to:

Nebraska Game and Parks Commission
Box 30370
Lincoln, NE 68503

SL 10. Vessel Speed Restrictions

It is unlawful for an operator to exceed the speed posted or charted in any specific zone or area. Under all other circumstances, speed must be reasonable and proper in consideration of the prevailing conditions. Speeds exceeding 5 mph are prohibited at all times in or within 30 yards of any vessel, harbor, marina, landing pier, fishing pier, anchorage or bathing beach.

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

No person may operate a motorboat or vessel or manipulate any water skis, surfboard, or similar device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

No vessel may be operated within Nebraska in a reckless or negligent manner. Examples of reckless or careless operation include:

- Excessive speed in regulated, prohibited or congested areas.
- Speeding in excess of 5 MPH at any time within 30 yards of any vessel, harbor, marina, landing pier, fishing pier, anchorage or bathing beach.
- Operating in a manner that may cause an accident.
- Operating in a swimming area with bathers present.
- Operation of a personal watercraft that endangers life or property.

- Swimming or bathing in any marinas or within 20 yards of launching, mooring or docking areas.

SL 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 Nebraska in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of Nebraska.
- 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 motorboat with a blood alcohol content of 0.08% or greater constitutes Boating Under the Influence (BUI). BUI is a criminal offense in Nebraska and punishable by fines up to \$1,000, imprisonment of up to 6 months, and loss of boating privileges for six months. By operating on Nebraska waterways, you are deemed to have given "implied consent" to be tested for alcohol if arrested for operating under the influence. Refusal to submit to a chemical blood alcohol test will result in the same penalties as BUI.

SL 15. Mandatory Violator Education

Nebraska does not currently have any regulation requiring boating safety education for violators of boating laws.

SL 16. PWC Regulations

Personal watercraft are defined as a class of motorboat under 16 feet in length that uses an internal combustion engine powering a jet pump as its primary source of motive propulsion and is designed to be operated by a person sitting, standing, or kneeling on the watercraft rather than in the conventional manner of boat operation.

Effective January 1, 2004, it is unlawful for a person under 18 years of age to operate a motorboat or PWC on Nebraska waters unless he or she has successfully completed a boating safety course approved by the Nebraska Game and Parks Commission and has been issued a valid boating certificate.

PWCs should be operated in a reasonable and prudent manner. Operators should be aware of other boats in the operating area, be aware of environmental concerns and respect the rights of shoreline property owners. All PWC operators must keep in mind that:

- It is unlawful to wake jump with a motorized vessel within 50 yards of another craft.
- It is unlawful to jump the wake produced by any vessel towing a person or persons.
- Each operator must wear a lanyard-type engine cutoff switch if the PWC is so equipped by the manufacturer.
- PWCs cannot under any circumstances be operated from sunset to sunrise.
- Each person on a PWC must wear a USCG-approved PFD. PWCs are considered boats and must abide by all boating laws.

SL 17. Water Ski Regulations

All motorboats having in tow or otherwise assisting a person on water skis, aquaplane, or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person. It is unlawful to operate a motorboat or vessel or manipulate water skis, surfboard, or similar

device in a reckless or negligent manner so as to endanger the life, limb, or property of any person.

It is unlawful to tow a person on water skis, aquaplane or similar device without either an observer 12 years of age or older on board or a wide-angle rearview mirror. In addition each person engaged in water skiing or aquaplaning must wear a USCG-approved PFD. Whenever a water-skier, surfboarder, or any person engaged in a similar activity is down in the water, the operator or observer of the towboat must display a hunter orange flag of a size not less than 12 inches square or at least 144 square inches. This flag must be visible for 360 degrees.

All ski lines, when not in use, shall be stowed immediately aboard the towing vessel.

It is unlawful to tow a person on water skis, aquaplane, or similar device from the period of 1/2 hour after sunset to 1/2 hour before sunrise unless in a duly-authorized competition.

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.

All divers and spear-fisherman must display a free-flying Divers-Down flag in the area in which the diving occurs. This flag must be red with a white diagonal stripe and at least 12 by 12 inches in size. Divers must attempt to stay within 150 feet of the Divers-Down flag, and boaters must stay at least 150 feet away from a displayed Divers-Down flag.

SL 19. Liveries (Rental Agencies)

All motorboat owners offering their vessels for rent must keep a record for 6 months of the name and address of the person(s) renting any mechanically propelled vessel. The record is to include the boat identification number, departure date and time, and expected time of return. Rental motorboats must include all safety equipment prescribed by law for that class of boat.

Effective on August 31, 2003, the owner of a boat livery, or his or her agent or employee, may not lease, hire, or rent a motorboat or PWC to, or for operation by, any person under 18 years of age.

SL 20. Other State-Specific Regulations

A Nebraska Natural Resources District may permit and regulate swimming, bathing, boating, wading, waterskiing, the use of any floatation device, or any other water-related recreational activity in all or any portion of a recreation area and may provide for special conditions to apply to specific swimming, bathing, boating, wading, or waterskiing areas. Special conditions may be posted on appropriate signs in the areas to which they apply.

Anyone who swims, bathes, boats, wades, water skis, uses any floatation device, or engages in any other water-related recreational activity in a recreation area when not permitted by a Natural Resources District will be guilty of a Class V misdemeanor.

Any subdivision in Nebraska may at any time, but only after public notice, make formal application to the Nebraska Game and Parks Commission for special rules and regulations with reference to the operation of vessels on any waters within its territorial limits and must set forth the reasons that make such special rules or regulations necessary or appropriate.

SL 21. Environmental Awareness

Aquatic Nuisance Species

The aquatic nuisance species that presents the greatest threat to boaters in the Midwest is the zebra mussel. The zebra mussel, a small black and white striped bivalve mollusk, first appeared in this country in 1988. Since then it has spread throughout the Great Lakes and into the Mississippi basin.

This barnacle-like mussel is a threat in several different ways. Not only have they already caused damage to industrial and municipal water delivery systems but they are also a potential threat to our hydropower and irrigation systems. Zebra mussels also directly compete with our native mussels for food and space, effectively wiping out populations in the Great Lakes. Sport fisheries are also at risk from this tenacious mollusk. The zebra mussel may also directly impact boaters as they can block the cooling water intake, causing your boat engine to seize up. By helping prevent the spread of zebra mussels we can work to preserve the future of our waterways.

How to Identify Zebra Mussels

Zebra mussels look like small clams with a yellowish or brownish "D"-shaped shell, usually with dark- and light-colored stripes.

Zebra mussels can be up to two inches long, but most are under an inch.

Zebra mussels usually grow in clusters containing numerous individuals.

Zebra mussels are generally found in shallow (6-30 feet), algae-rich water.

Zebra mussels are the ONLY freshwater mollusk that can firmly attach themselves to solid objects-submerged rocks, dock pilings, boat hulls, water intake pipes, etc.

What to Do?

Note the date and precise locations where the mussel or its shell(s) were found.

If possible, take the mussel with you (several, if available) and store in rubbing alcohol (in any case DO NOT throw it back in the water).

Immediately contact your state conservation department.

In Nebraska Contact:

Steve Schainost
River and Streams Program Manager
Nebraska Game and Parks Commission
2200 North 33rd Street
P.O. Box 30370
Lincoln, Nebraska 68503-0370
Phone: (402) 471-5443
Fax: (402) 471-5528

Additional Information

For more information on Nebraska boating laws refer to the Nebraska Game and Parks Commission at <http://www.ngpc.state.ne.us/boating/boating.asp> . Also refer to Nebraska Statutes Chapter 37 – Game and Parks Commission, Sections 37-1201 to 37-12,110 - the State Boat Act.