

STATE OF NEW HAMPSHIRE

State-Specific Boating Safety Requirements

1. Law Enforcement Authority

The New Hampshire Marine Patrol officers have the responsibility to enforce the boating laws and regulations in this state. The U.S. Coast Guard (USCG) has enforcement authority on federally controlled waters.

Boaters must stop when signaled to do so by a law enforcement officer. These officers have full police powers and have the right to lawfully stop and board a vessel at any time to check for compliance with state and federal laws.

2. Age Restrictions

Those under 16 years of age are prohibited from operating a motorboat or outboard motor of more than 25 HP unless he or she is accompanied by someone 18 or older who has a valid safe boater education certificate.

No one under 16 years old may operate a ski craft or Personal Water Craft in the State of New Hampshire.

3. Boater Safety Education Requirements

Boaters born on or after January 1, 1983 must have their boating safety certificates proving successful completion of a boating safety course by January 1, 2002. One year later, that requirement extends to anyone born on or after January 1, 1977. Each successive January 1, the law expands to boaters born on or after January 1, 1973 (2004); 1967 (2005); 1963 (2006); 1957 (2007), and everyone else by 2008.

Exemptions include: anyone who is licensed by the State of New Hampshire or the U.S. Coast Guard to operate a commercial vessel, or those with boating safety certificates from other states.

As of January 1, 2007, all boaters seeking a boating education certificate are required to take a proctored examination in order to receive the certificate. The new law also requires everyone to get a minimum of 80 percent correct on the examination.

4. Vessel Registration

All motorboats and sailboats regardless of length and sailboards 12 feet in length or over must be registered. Exemptions include: rowboats and canoes powered by sail, oars, paddles, or other human power; vessels registered in another state or country using New Hampshire waters for not more than 30 consecutive days; and U.S. Government vessels.

Upon registration, a certificate of number and a validation decal will be issued. The certificate must be on board whenever the boat is used.

Registrations expire December 31st each year.

The number awarded to a motorboat or registered vessel must be displayed on both sides of the bow of the boat in such position as to provide easy identification. The number must read from left to right, be in BLOCK characters of good proportion not less than three inches in height, and of a color that contrasts with the background. The numerals must be separated from the prefix and the suffix by hyphens or equivalent spaces as in: NH 0123 AB and NH-0123-AB. Federal and state law prohibits any other number from being displayed on either side of the bow of a boat. The validation decal must be affixed within six inches to the right of and in line with the assigned numbers.

5. Maximum Loading and Horsepower

The State of New Hampshire 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.

Weather and other operating conditions must also be taken into consideration.

6. Equipment and Lighting Requirements

The State of New Hampshire adopts and enforces all federal boating safety laws. 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 New Hampshire 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.

In addition to the federal requirements, in the State of New Hampshire boats less than 16 feet in length must be equipped with an oar or paddle. All vessels should also have an anchor and anchor line.

Personal Flotation Devices

Mandatory PFD Usage

Children 5 years of age and under must wear a USCG-approved PFD while the vessel is underway, except on boats, vessels and ships with continuous side rails enclosing the perimeter of the boat 3 feet or more in height and enclosed between the deck and the top of the railing.

PWC operators and passengers must wear an approved Type I, II, or III PFD.

Required PFDs must be readily accessible, in good condition, and of suitable size for the intended wearer.

Fire Extinguishers

Any vessel less up to 26 feet in length must have onboard one type B-I fire extinguisher. If the length of the vessel is more than 26 feet but less than 40 feet, it must be equipped with 2 fire extinguishers of type B-I or one type B-II. If the vessel is longer than 40 feet to less than 65 feet, it must have 3 Type B-I or one B-II and one B-I.

Fire extinguishers should be placed in an accessible area -- not near the engine or in a compartment, but where they can be reached immediately. Be sure you know how to operate them and check all extinguishers annually to make sure they are charged.

Backfire Arrestors

Because vessel engines may backfire, all powerboats (except outboards) fueled with gasoline must have an approved backfire control device or on each carburetor. They are designed to prevent the ignition of gasoline vapors if the engine backfires. It is unlawful to have any holes in the mesh of the backfire flame arrestor and you must periodically clean the flame arrestor and check for damage. Backfire flame arrestors must be in good and serviceable condition, firmly mounted with metal-to-metal contact, and USCG-approved (must comply with SAE J-1928 or UL 1111 standards).

Ventilation Systems

Proper ventilation avoids explosions by removing flammable gases, greatly reducing the chance of a life-threatening explosion.

All gasoline-powered vessels constructed in a way that would entrap fumes must have adequate ventilation of areas where flammable vapors can accumulate.

If your vessel is equipped with a power ventilation system, turn it on for at least four minutes after fueling, prior to starting your engine. Also turn the ventilation system on anytime you are operating your vessel at less than cruising speed.

If your vessel is not equipped with a power ventilation system (like PWC), open the engine compartment and sniff for gasoline fumes before starting the engine.

Vessels built after July 31, 1980, which contain power exhaust blowers in gasoline engine compartments, must have a warning sticker near the instrument panel.

WARNING:

Gasoline vapors can explode.
Before starting engine,
operate blower for four minutes and
check (using your nose) engine
compartment for gasoline vapors.

Visual Distress Signals

All vessels used on federally controlled waters (such as New Hampshire's coastal waters) must have night signals when operating between sunset and sunrise. In addition, the following vessels must also carry day signals:

- Recreational vessels 16 feet or longer
- Non-motorized, open sailboats 26 feet or longer.
- If pyrotechnic VDSs are used, a minimum of three must be carried in the vessel. Pyrotechnic VDSs must be USCG-approved, in serviceable condition, and readily accessible.

Sound Producing Devices

- Any vessel less than 16 ft. long and under engine power must have a hand, mouth or power whistle.
- If the vessel is 16 ft. to less than 26 ft. long and under engine power, it must have a hand, mouth or power whistle audible for 1/2 mile.
- If the vessel is 26 ft. to less than 40 ft. long and under engine power, it must be equipped with a bell and a hand or power whistle audible for one mile.
- If the vessel is 40 ft. long or longer and under engine power, it must carry a bell and a power whistle audible for one mile.

Lighting Requirements

Power-Driven Boats Less Than 20 Meters Long When Underway

If less than 20 meters (65.6 ft.) long, the required lights are:

- Red and green sidelights visible from a distance of at least two miles (or if less than 12 meters (39.4 ft.) long, at least one mile) on a dark clear night
- An all-round white light or both a masthead light and a stern light. These lights must be visible from a distance of at least two miles on a dark clear night. The all-round white light (or the masthead light) must be at least one meter (3.3 ft.) higher than the sidelights.

Manually Propelled Boats When Underway

Manually propelled boats are sailboats or boats that are paddled, poled and rowed. If less than 20 meters (65.6 ft.) long, these boats must exhibit:

- A red and green sidelight visible from a distance of at least two miles (or if less than 12 meters (39.4 ft.) long, at least one mile) on a dark clear night.
- A stern light visible from a distance of at least two miles.

If less than 7 meters (23.0 ft.) long, these boats should:

- If practical, exhibit the same lights as required for manually-propelled boats less than 20 meters (65.6 ft.) in length
- If not practical, have on hand at least one lantern or flashlight shining a white light.

7. Marine Sanitation Devices

It is unlawful to discharge raw (untreated) sewage into any public waters. If you have a recreational vessel with installed toilet facilities, it must have an operable marine sanitation device (MSD) onboard. A MSD is a separate mechanism attached to the marine toilet. The macerator inside the toilet and reservoir beside the toilet are *not* marine sanitation devices.

All installed devices must be U.S. Coast Guard-certified.

8. Muffling Devices

To reduce noise, motorboat engines must be equipped with factory-installed mufflers, exhaust water manifolds or other effective muffling system.

Excessive noise can prevent a vessel operator from hearing signals and voices.

The noise level of any motorized vessel measured at a distance of 50 feet or more from the vessel must not exceed:

- 86 decibels for engines manufactured prior to January 1, 1978.
- 84 decibels for engines manufactured between January 1, 1978, and December 31, 1981.
- 82 decibels for engines manufactured after December 31, 1981.

It is illegal to own or operate a vessel that exceeds the decibel limit or a vessel that is equipped with a device that adjusts the muffling device.

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.

Any accident involving death, disappearance or personal injury, or damage greater than \$2,000 must be reported. 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. Accidents should be reported to The New Hampshire Marine Patrol immediately. A written report detailing the facts and circumstances surrounding the accident must be submitted to the New Hampshire Division of Safety Services within 15 days of the accident.

10. Vessel Speed Restrictions

When operating within 150 feet of another boat, swimmers, rafts, shore, docks, or mooring fields, you must maintain only headway speed. (That speed at which you can maintain steerage)

In New Hampshire speed is limited by law for certain conditions and areas. Contact the Marine Patrol Bureau in Gilford for a listing.

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

It is unlawful to operate a vessel on New Hampshire waters in a reckless or negligent 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

- Operating a ski craft 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 or mark the waters of New Hampshire in a way that may endanger the operation of watercraft or conflict with the marking system prescribed by the State of New Hampshire.
- Obstruct a boat ramp, pier, wharf or access to any facility.
- 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.
- Cut loose any vessel that is moored or at anchor without the permission of the owner.
- Anchor overnight on any inland body of water.

14. Boating Under the Influence

A person is considered intoxicated when their blood alcohol level is 0.08% or greater.

It is unlawful to operate a boat or water ski under the influence of alcohol or drugs. Anyone convicted of operating under the influence will lose his or her right to operate a boat for one year and be fined. In addition, their right to operate a motor vehicle will be revoked for not less than 9 months.

In addition, anyone convicted of operating a motor vehicle while under the influence will also lose his or her right to operate a boat for one year from the date of conviction.

15. Mandatory Violator Education

If a person boating under the influence has onboard someone under the age of 16 years, the offender must complete a 7-day alcohol and drugs program at his or her own expense.

In addition to any other penalty imposed, anyone convicted of violating any of the following boating laws or rules of the Division of Safety Services will be assessed an administrative penalty of \$200:

- (a) RSA 270:12-b, disobeying an officer.
- (b) RSA 270:29-a, careless and negligent operation of boats.
- (c) RSA 270:50, refusal of consent.
- (d) RSA 270:48-a, operating boats under the influence of liquor or drugs.

Any person who pays this penalty and who, within 6 months of conviction, completes at his or her own expense a boat safety course as specified in rules adopted, under RSA 541-A, by the Director of Safety Services will have his or her \$200 refunded.

In addition to any other penalty imposed, anyone convicted of violating any of the following boating laws or rules, and who has not already successfully completed an approved boating safety course must complete a boat safety course, at that person's own expense, within 6 months of conviction. Anyone who fails to complete the boat safety course within 6 months may be prevented from reregistering the boat:

- (a) Laws or rules relative to speed limit, safe passage, or personal flotation devices.
- (b) RSA 270:37, decibel limits on noise.

16. PWC Regulations

Ski craft (also known as Personal Watercraft or PWCs) are those vessels (boats) under 13 feet long and capable of exceeding 20 mph. Ski craft are 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. PWCs must be registered, carry PFDs and be operated at a speed safe enough for the operator to avoid a collision or to stop in time to avoid an accident. The following rules relate to the operation of ski craft in the State of New Hampshire:

- Those under 16 years of age are prohibited from operating a ski craft.
- Each person on a ski craft must wear a Coast Guard approved PFD.
- Ski craft may only be operated between sunrise and sunset. Also, PWCs must not be operated within 150 feet of another PWC, vessel, platform, person, and object, except at headway/steerage speed. PWCs may not be operated in a cove or within 300 feet of shore, except at headway/steerage speed. Additionally, no person can operate a PWC in any lake, pond or river, on which the operation of ski craft is prohibited.
- The operator of a ski craft should 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.
- The PWC operator should not follow other boats too closely and should not jump the wake of other boats.

17. Water Ski Regulations

In New Hampshire, it is unlawful to tow a person on water skis, aquaplane or similar device without an observer aboard who is at least 13 years of age. It is also unlawful to tow more than two persons at one time regardless of the device being towed. In addition, there shall be at least one observer for each person being towed, also each person engaged in water skiing or aquaplaning should wear a USCG-approved PFD.

The towboat operator and skier are responsible for ensuring that they operate in a way that does not threaten, harm or strike another person or vessel. You may not operate a vessel or ski at a speed over six mph within 150 feet of the shoreline. Water skiing is not permitted between sunset and sunrise.

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 shall display a free-flying, white diagonal stripe on a red background divers-down flag. No diver shall surface or swim more than 75 feet from this flag. It is recommended that no more than four divers use the same diver flag unless it is displayed from a boat, in which case the number of divers must be limited to the legal capacity of the boat.

Boaters and skiers must stay at least 150 feet away from a diver-down flag.

19. Liveries (Rental Agencies)

No one may rent a vessel for operation on New Hampshire waters, including tidal and coastal waters and all inland waters, unless the rental operator initials a rental safety checklist, prepared by the Department of Safety, which certifies the rental operator's knowledge of boating safety laws.

The rental safety checklist must include, but is not be limited to, knowledge of the following provisions of the marine laws:

- Safe passage
- DWI
- Headway speed
- Safety equipment
- Navigational lights requirements.

The checklists must include a provision which states that the rental operator is responsible for anyone who operates the vessel in accordance with RSA 270-D.

The rental safety checklist must include a provision in which the operator acknowledges that the director may require the operator to attend a boat safety course, as provided in RSA 270:46-a, for violating any of the boating laws or rules of the division.

20. Other State-Specific Regulations

Marine Events

Anyone who undertakes any of the following activities on the public waters of New Hampshire must first obtain a permit from the commissioner, subject to conditions established by rule:

- Sponsor a water event, including but not limited to, a carnival or exhibition
- Place a water ski jump
- Tow a kit glider or parasail
- Tow more than 2 skiers.

Restrictions on Boating

New Hampshire laws impose restrictions on many waterbodies of the state. For specific information, refer to Section 270:76 through Section 270:130, found online beginning at <http://www.gencourt.state.nh.us/rsa/html/XXII/270-D/270-D-mrg.htm>.

21. Environmental Awareness

Aquatic Nuisance Species

To prevent the spread of Zebra Mussels:

- Inspect boat and trailer for weeds and remove. Zebra mussels are often found on aquatic plants.
- Flush the cooling system, bilge areas, and live wells with tap water and discard all bait that may have contacted infested waters.
- Let your boat dry for 48 hours. If visibly fouled by algae wash the hull with hot water (140 degrees F) that kills zebra mussels. High-pressure spray will also help remove them.

To prevent the spread of Exotic Milfoil:

- Clean all vegetation from your boat and trailer before entering or leaving a lake.

- Disposal of vegetation should occur on land away from any water.
- Avoid driving through vegetation.

Additional Information

For more information on New Hampshire boating law refer to the New Hampshire Division of Safety Services Marine Patrol at:
<http://www.state.nh.us/safety/ss/links.html>. Also refer to New Hampshire Revised Statutes Annotated, Title XXII - Navigation; Harbors; Coast Survey, Chapter 270 - Supervision of Navigation; Registration of Boats and Motors; Common Carriers by Water at
<http://www.gencourt.state.nh.us/rsa/html/XXII/270/270-30.htm>; Chapter 270-D – Boating and Water Safety on New Hampshire Public Waters at
<http://www.gencourt.state.nh.us/rsa/html/xxii/270-d/270-d-1.htm>; Chapter 270-E – Vessel Registration and Numbering at
<http://www.gencourt.state.nh.us/rsa/html/XXII/270-E/270-E-3.htm>.