

## **State-Specific Boating Safety Requirements**

### **Tennessee State Laws**

#### **1. Law Enforcement Authority**

The Tennessee Wildlife Resources Agency (TWRA) enforces and administers the Tennessee Boating Safety Act. Enforcement officers are on the water to assist boaters, enforce laws, and provide control, as needed. Agency officers have the authority to stop and board any vessel subject to the Tennessee Boating Act. They may issue citations or arrest, on sight, without warrant, any person observed violating any provision of the Act.

Most Agency vessels have the characteristic orange and green stripes near the bow with the words WILDLIFE RESOURCES printed on the sides. However, unmarked vessels may also be in use. When signaled to stop, oaters must do so immediately and maneuver so that the officer may come along side or on board.

#### **2. Age Restrictions**

Those under 12 years of age are prohibited from operating a motorized boat with more than 8.5 horsepower (hp) unless accompanied onboard by an adult able to take immediate control of the boat, if necessary. Those between the ages of 10 and 12 may operate a vessel when not accompanied by an adult if the boat is more than 14 feet long, powered by an outboard motor of less than 15 hp, and the person has successfully completed a boating safety education course approved by the Tennessee Wildlife Resources Agency. Those younger than 16 years old may not rent a personal watercraft (PWC).

#### **3. Boater Safety Education Requirements**

Those 10 to 12 years old must complete a boating safety education course approved by the Tennessee Wildlife Resources Agency to be the sole operator of vessels greater than 14 feet and equipped with an engine of less than 15 hp. Although other boaters are not required to take a boating safety education course, it is highly recommended by the State of Tennessee. Completion of a National Association of State Boating Law Administrators (NASBLA) approved course may allow boaters to become eligible for a discount on boating insurance.

Effective January 1, 2005, anyone born after January 1, 1989 must successfully complete a NASBLA-approved boating safety education course or be accompanied and supervised by someone born after January 1, 1989 when operating a registered vessel with more than 8.5 hp. The operator must have the certificate of boating safety course completion in his or her possession while onboard the vessel when it is in operation. If there is an adult onboard to take immediate control of the vessel, then this certificate is not required.

#### **4. Vessel Registration**

Under Tennessee law, all vessels propelled by machinery (including documented vessels) and all sailboats must be registered in this state if principally used in Tennessee. Mechanical propulsion, which includes electric trolling motors, does not include boats powered only by oars or paddles. If registration is required, boats must be properly registered before used on any public water of Tennessee. Boats currently registered in other states may use Tennessee waters for a period less than 60 consecutive days.

Registration fees are determined by length of the vessel. A vessel may be registered for one, two or three years at the owner's option. If an owner registers his or her vessel and then buys another vessel or sells the first vessel and acquires another vessel, registration fees paid on the first vessel may not be transferred to the newly acquired boat.

Registration forms can be obtained from a county court clerk's office or a boat dealer. When registering a new boat (i.e., one not previously registered), the State Department of Revenue requires that the boat owner must show certification that the sales tax was paid when the boat was purchased. Registered boats transferred from one individual to another must comply with the process for previously unregistered boats. If a dealer is not involved, the county court clerk's office may require a bill of sale.

The vessel registration number must be painted on or permanently affixed to each side of the forward half of the vessel (the bow). It is prohibited for registration numbers to be displayed with any other number. Numbers are to read left to right and must be: (1) in plain vertical block characters, (2) of a color contrasting with the background, (3) distinctly visible and legible, and (4) at least 3 inches in height. The letters must be separated from the numbers by a dash (-) or by a space the size of one letter. The validation decal must be placed on each side of the bow before the Tennessee identification number.

U.S. Coast Guard (USCG)-documented vessels must be registered in the State of Tennessee but are not required to display the registration number on the vessel. When the federally documented vessel is in operation, the Certificate of Number must be carried on board.

## **5. Maximum Loading and Horsepower**

Before operating a vessel, the manufacturer's capacity plate (usually found near the operator's position or on the boat's transom) should be examined. This plate indicates the maximum weight capacity or maximum number of people that can be safely carried on the boat and the maximum horsepower the boat can handle. It is unlawful to load a boat beyond the recommended capacity as indicated on the capacity plate, also considering weather and existing operation conditions. In the event a PWC not have a capacity plate, the PWC operator must follow the recommended capacity in the owner's manual and on the manufacturer's warning decal.

## **6. Equipment and Lighting Requirements**

### *Personal Flotation Devices*

Under state and federal Personal Flotation Device (PFD) regulations all boats, including canoes and kayaks, must be equipped with one wearable personal flotation device for each person on board or for each person being towed on water skis or similar device.

Boats 16 feet in length or longer must also be equipped with one Type IV (throwable) PFD per boat in case someone falls overboard.

Children 12 years old and younger must wear a USCG-approved PFD while on the open deck of a recreational boat, except when anchored, moored, or aground.

To be acceptable as one of the required life jackets on board, the device must bear a USCG-approval stamp. If approved as a Type V, it must be worn to be accepted. Inflatable devices of any kind are unacceptable for those under 16 or for personal watercraft operation.

Ski belts are not on the approved list of flotation devices and are not recommended. A ski belt does not count as one of the required pieces of equipment on board any vessel. A ski belt may be worn while skiing but an approved flotation device for the skier must also be onboard the towing boat.

A USCG-approved PFD must be worn by each person on board vessels being operated within specifically marked areas below any dam.

### *Lighting*

Boats operating between sunset and sunrise and during periods of limited visibility must display the required lights. Boats are considered underway and must show all required lights unless anchored, moored or aground. At anchor, an all-round white light (anchor light) must be visible for 2 miles and exhibited in the forepart of the vessel or where it can best be seen. Appropriate lighting configurations for boats are described in Chapter 2 of this Course.

#### *Fire Extinguishers*

Fire Extinguishers must be carried on all motorboats if they are 26 feet or longer, transport passengers for hire, and have one or more of the following:

- Inboard engines
- Closed compartments under thwarts and seats where portable fuel tanks may be stored
- Double bottoms not sealed to the hull or not completely filled with flotation material
- Closed living spaces
- Closed storage compartments in which combustible or flammable material is placed
- Permanently installed fuel tanks

#### *Backfire Flame Arrestors*

It is required that inboard mounted gasoline engines installed in a motorboat or motor vessel after April 25, 1940 have a flame arrestor fitted to the carburetor for backfire flame control.

#### *Ventilation*

Vessels with closed gasoline engine compartments must have an adequate ventilation system. If built after July 31, 1980, a boat must be ventilated by a powered exhaust blower system. Boats built before that date must have at least one intake and one exhaust duct fitted with cowls to vent explosive fumes. The intake duct should be vented from outside the boat to midway of the compartment or to a level below the carburetor air intake. The exhaust duct should be vented from the lower portion of the engine compartment to the outside of the vessel.

Vessels with enclosed fuel tank compartments must be ventilated as described above, except if the boat meets the following requirements:

- It was built after July 31, 1978
- The electrical components within the compartment are ignition proofed
- The tank is vented to the outside of the vessel

#### *Sound Signaling Devices*

Vessels under 39 feet 4 inches in length (12 meters) are not specifically required to carry a horn, bell or whistle, but they must have some means of making an "efficient sound signal." Vessels more than 39 feet 4 inches in length (12 meters) must carry a bell and a powered whistle or horn.

#### *Visual Distress Signals*

When using Tennessee waters, visual distress signals are not required for boaters. They are desirable to have, but are only required for boats using coastal waters and the Great Lakes, which are under federal jurisdiction. To review the federal requirements for visual distress signals, refer to Chapter 2 of this course.

### **7. Marine Sanitation Devices**

Discharging untreated sewage into public waters of Tennessee is prohibited. It is unlawful to use a vessel capable of discharging untreated sewage.

Public waters are classified as either **discharge** (capable of accepting treated sewage) or **no discharge** (waste must be retained in a holding tank until properly removed), as indicated below.

Discharge into public waters is restricted to a Type I or II USCG-approved marine sanitation device on those waters classified as **discharge**. Only Type II discharge devices are suitable for vessels more than 65 feet in length.  
Marinas and docks situated on public waters must provide sewage removal service.

**Discharge Reservoirs**

Barkley  
Caulderwood  
Cheatham  
Chickamauga  
Cordell Hull  
Cumberland River  
Dale Hollow  
Ft. Loudon  
Kentucky  
McKellar  
Melton Hill  
Mississippi River  
Nickajack  
Old Hickory  
Pickwick  
Reelfoot  
South Holston  
Tellico  
Tennessee River  
Watts Barr

**No Discharge Reservoirs**

Beech River Lakes  
Boone  
Center Hill  
Cherokee  
Chilhowee  
Douglas  
Ft. Patrick Henry  
Great Falls  
J. Percy Priest  
Lake Graham  
Nolichucky  
Normandy  
Norris  
Ocoee 1,2,3  
Tims Ford  
Watauga  
Wilbur  
Wood

**8. Muffling Devices**

An effective muffling system must be installed on engines of all motorized vessels. Noise levels on any motorized vessel may not exceed 86 decibels when measured 50 feet from the boat. Manufacturers may not sell a vessel if it does not meet noise level requirements.

**9. Boating Accidents**

Boating accidents must be reported to the Tennessee Wildlife Resources Agency. 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, or the vessel. The following boating accidents must be reported:

Any boating accident involving death, injury requiring medical treatment beyond first aid, or the disappearance of a person should be reported as soon as possible, at least within 48 hours.

All accidents involving property damage greater than \$500 (to one vessel or a combination of both vessels) must be reported within 10 days.

The operator of every vessel involved in a reportable boating accident must file an accident form with the TWRA. Accident report forms are available from any TWRA office. Failure to report a boating accident is a criminal violation and may result in prosecution by the TWRA. Vessel operators involved in incidents in which persons are seriously injured or killed may be charged with a felony resulting in a fine of \$10,000 and 15 years' imprisonment.

**10. Vessel Speed Restrictions**

Vessels must comply with posted speed restrictions. If operating within 300 feet of a commercial boat dock, the vessel must do so at No-Wake (Idle Speed), even if that area is not within a posted No-Wake Zone.

"No-wake" is defined as a vessel traveling at or below idle speed, or at such speed that the boat or its wake (waves) is not enough to cause possible injury or damage to other persons, boats, or property.

### **11. Mooring to Markers or Buoys**

It is unlawful to moor or attach a boat to a buoy (other than a mooring buoy), light, beacon, or any other navigational aid placed on public waters by proper authorities except in cases of emergency. It is also unlawful to tamper with, move, displace, damage, or destroy any navigational aid. Permission to establish private aids, markers or buoys on public waterways by individuals, groups, or municipalities other than the federal government must be obtained by written request to the Executive Director of the TWRA.

### **12. Reckless and Careless Operation**

Reckless operation of a vessel, water skis or similar device is a very serious offense. Violators are punishable by a fine of up to \$2,500 and six months in jail. Additionally, the USCG may impose a civil penalty of up to \$5,000 and imprisonment for one year. Reckless operation is defined as any act that endangers life, limb or property. Examples include:

- Operating a vessel in swimming areas
- Riding on seatbacks, gunwales, transoms or pedestal seats while operating above idle speed
- Excessive speed in crowded areas, dangerous areas or during periods of limited visibility.
- Operating an overloaded vessel
- Towing a skier in a crowded area where a fallen skier may be hit by other vessels, or towing in areas where the skier may hit an obstacle
- Using a PWC to jump the immediate wake of another boat

### **13. Interference with Navigation**

It is unlawful to operate a vessel in a manner that it will unnecessarily interfere with the safe navigation of other vessels on the waterway. It is unlawful to:

- Anchor a boat in the traveled portion of a river or channel in such a way that it will prevent or interfere with another boat passing through the same area.
- Obstruct a pier, wharf, boat ramp or access to any facility.

### **14. Boating Under the Influence**

It is unlawful to operate any motorized or manually propelled boat while under the influence of alcohol or any combination of alcohol, controlled substance or drugs. Under Tennessee law, a person is presumed to be "under the influence" if the concentration of alcohol in his or her blood is 0.08% or greater. The following penalties are set by Tennessee law:

Those convicted of boating under the influence may be fined up to \$2,500 for a first or second offense, and up to \$5,000 for the third offense.

In addition, those convicted of boating under the influence (BUI) may receive a jail sentence up to one year (with mandatory probation) and lose operating privileges for one to 10 years. Federal penalties may also be levied in addition to state penalties.

By operating a boat or PWC in Tennessee, the operator has consented to a sobriety test if requested by a law enforcement officer. Refusal to be tested constitutes a separate punishable offense, which may result in loss of operating privileges for up to six months.

## **15. Mandatory Violator Education**

Tennessee does not currently have any legislation requiring boating safety education for boating law violators.

## **16. PWC Regulations**

Personal watercraft (PWCs) are those vessels (boats) 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. Additionally, PWC operators should be aware of the following:

- Jumping the immediate wake (within 100 feet) of another vessel, weaving through congested vessel traffic, and riding close to ramps, docks, or the shore constitutes reckless operation in the State of Tennessee.
- All persons operating or using PWCs must wear a Type I, II, III or V personal flotation device (life jacket). Inflatable life jackets are not approved for use on PWCs.
- Operating a PWC between sunset and sunrise is prohibited.
- Persons under 12 years old are prohibited from operating a PWC unless an adult is on board who can take immediate control of the vessel.
- Any one who allows an under-aged operator to use a PWC may be prosecuted in addition to, or in place of, the operator.
- PWCs being used to tow skiers, surfboards or other similar devices must be equipped with 2 mirrors (at least 2 1/2 by 4 inches) or have a person 12 years or older aboard to observe the progress of the skier. Mirrors must be mounted on each side of the PWC (not on the handle bars).
- PWCs must be equipped with a lanyard-type cut-off switch attached to the operator's clothing or PFD during vessel operation.

Sailboards (windsurfers) are not considered vessels and do not have to be registered. A PFD is recommended but not required for sailboards.

## **17. Water Ski Regulations**

Vessels used to tow a person on water skis, surfboard, or similar device must comply with the following regulations:

- Skiing is not allowed from sunset to sunrise or during inclement weather.
- Vessels towing skiers must be equipped with a 170 degree, wide-angle rearview mirror or have on board a person at least 12 years old, other than the operator, who can observe the progress of the skier.
- Skiers must wear an adequate and effective life preserver, buoyant vest or life belt. If the device worn is not USCG-approved, then an approved device for the skier must be on board the towing vessel.
- Citations to appear in court may be issued to the vessel operator and/or the skier if the vessel or ski is manipulated so that it endangers life, limb, or property.
- Skiing near or in front of, tow boats or other large vessels is prohibited since their visibility and their ability to stop quickly or maneuver is extremely limited.
- Vessel operators and passengers must not sit on the deck, gunwales or transom while the boat is in motion.

## **18. Divers-down Flag**

Divers must display a Divers-Down flag in the area where they are diving. If displayed after sunset, the flag must be illuminated to be viewed from a minimum distance of 300 feet. Boats used as a necessary part of the diving operation must display from the mast a Divers-Down flag at least 18 inches x 24 inches in size and an international code flag Alpha allowing

visibility from 360 degrees. Boats are prohibited from operating within 50 feet of a displayed Divers-Down flag. A slow no-wake (idle speed) restriction is imposed within 200 feet of the flag.

### **19. Liveries (Rental Agencies)**

Tennessee law prohibits those under 16 years old from renting a PWC. All liveries should provide renters with information on rules, laws, basic navigation, boating safety, and mandatory equipment.

### **20. Other State-Specific Regulations**

#### *Carrying Passengers For Hire* (Tenn. Code Sec. 69-10-212)

Before a person may carry passengers for hire on the navigable waters of the United States, an appropriate license must be obtained from the USCG. This includes ferry service, fishing guide service or any operation where consideration (monetary or otherwise) is given by the passengers for the service.

Some equipment requirements vary with vessel classification and number of passengers carried. All hired vessels must carry the appropriate equipment for the number of passengers onboard. In addition, when a vessel is carrying passengers for hire, only Type I PFDs are acceptable for use on board. For questions about licensing and equipment requirements, contact the nearest USCG Marine Safety office.

#### *Special Marine Events – Permit* (Tenn. Code Sec. 69-10-211)

Boat races, marine parades and other special aquatic events that may restrict local navigation or require additional patrol by wildlife officers, may not be held without first obtaining a permit from the Executive Director of the TWRA. This free permit may be requested by applying to the TWRA at least 30 days prior to the date of the event.

### **21. Environmental Awareness**

#### *Tennessee Wildlife Resources Agency Access Areas*

In TWRA access areas:

- Picnicking is permitted.
- Disorderly conduct or use of intoxicants or other behavior-modifying substances is prohibited.
- The use of firearms is prohibited except during regular hunting season. Target shooting is never permitted.
- Swimming from or near ramps or in such a manner as to interfere with the launching or removal of boats is prohibited.

### **Additional Information**

For more information on Tennessee boating law refer to the Tennessee Wildlife Resources Agency at: <http://www.state.tn.us/twra/boat001.html> and Tennessee Code Title 69, Chapter 10 – Boating Regulations, Part 2 – Boating Safety at <http://198.187.128.12/tennessee/lpext.dll?f=templates&fn=fs-main.htm&2.0>.