

**SENATE . . . . . No. 2518**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Ten**  
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An Act relative to kayaks.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 1 of chapter 90B of the General laws, as appearing in the 2008  
2 Official Edition, is hereby amended by inserting after the definition of “Boating accident” the  
3 following definition:-

4 “Canoe”, a narrow, light boat, the sides of which meet in a point at each end, which is  
5 moved by 1 or more paddles.

6 SECTION 2. Said section 1 of said chapter 90B, as so appearing, is hereby further  
7 amended by inserting after the definition of “Jet skis” the following definition:-

8 “Kayak”, a lightweight boat that is covered, except for a single or double opening in the  
9 center, which is propelled by a paddle.

10 SECTION 3. Said chapter 90B is hereby further amended by inserting after section 5B  
11 the following section:-

12           Section 5C. Every person aboard a canoe or kayak shall, at all times, wear a coast guard-  
13 approved personal floatation device of type I, II, III or V which is in good and serviceable  
14 condition.

15           SECTION 4. Said chapter 90B is hereby further amended by inserting after section 13A  
16 the following section:-

17           Section 13B. Whoever holds himself out as a kayak instructor for hire shall obtain and  
18 maintain:

19                   (i) first aid training approved by the department of public health;

20                   (ii) cardiopulmonary resuscitation training approved by the department of public  
21 health; and

22                   (iii) a kayak instructor certification from the American Canoe Association, small  
23 craft safety certification from the American Red Cross and basic water rescue or equivalent  
24 water training.

25           The instructor shall train students on the safety procedures appropriate to the level of  
26 paddling difficulty. Wet exit training shall be required of all beginners and novice level operators  
27 who use an attached spray skirt during any part of the kayak instructional session. For the  
28 purposes of this section, “wet exit training” shall mean the practice of escaping from a capsized  
29 kayak in a controlled water setting. A liability release that limits an instructor’s responsibility to  
30 comply with this section shall be void.