

**SENATE . . . . . No. 974**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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. Chapter 90B of the General Laws, as appearing in the 2006 official edition,  
2 is hereby amended by inserting after section 5B the following new section:-

3 Section 5C. Every person aboard a kayak, as defined in section 13B, shall wear at all  
4 times a coast guard approved personal floatation device of type I, II or III, in good and  
5 serviceable condition.

6 SECTION 2. Section 11 of said chapter 90B, as so appearing, is hereby amended by  
7 inserting, after clause (o), the following clause:-(p) Prescribe safety equipment required to be  
8 aboard any kayak, as defined in section 13B, however no such rule or regulation may exempt  
9 kayakers from the requirement to wear a personal flotation device as required by section 5C .

10 SECTION 3. Said chapter 90B, as so appearing, is hereby further amended by inserting  
11 after section 13A the following new section:—

12           Section 13B. (A) As used in this chapter, “kayak” means a lightweight boat that: (i) is  
13 covered, except for a single or double opening in the center thereof; and (ii) is propelled by a  
14 double bladed paddle.

15           (B) Anyone who holds himself out as a kayak instructor for hire shall obtain and  
16 maintain: (i) first aid training approved by the department of public health; (ii) cardiopulmonary  
17 resuscitation training approved by the department of public health; and (iii) kayak instructor  
18 certification from the American Canoe Association, American Red Cross certification in small  
19 craft safety and basic water rescue, or equivalent water training.

20           Any course of kayak instruction shall include, but not be limited to; (i) the safety  
21 procedures appropriate to the level of kayak paddling difficulty; and (ii) wet exit training, which  
22 training shall be conducted prior to a student operating a kayak unsupervised or in water deeper  
23 than 5 feet. Wet exit training shall consist of practice escaping from a kayak while submerged in  
24 a controlled water setting. Wet exit training shall not be required by this section if the kayak to  
25 be utilized by the student during the training is a sealed-hull, sit-on-top or open-decked kayak in  
26 which no part of the kayaker’s body is covered or enclosed within the cockpit, or center opening  
27 of the kayak.

28           A liability release that limits an instructor’s responsibility to comply with this section  
29 shall be void.”