

HOUSE No. 3536

The Commonwealth of Massachusetts

PRESENTED BY:

F. Jay Barrows and Kimberly N. Ferguson

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act regulating parasailing.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-------------------------------|----------------------|
| <i>F. Jay Barrows</i> | <i>1st Bristol</i> |
| <i>Kimberly N. Ferguson</i> | <i>1st Worcester</i> |
| <i>Paul R. Heroux</i> | <i>2nd Bristol</i> |
| <i>Peter V. Kocot</i> | <i>1st Hampshire</i> |
| <i>Brian M. Ashe</i> | <i>2nd Hampden</i> |
| <i>Steven S. Howitt</i> | <i>4th Bristol</i> |
| <i>Elizabeth A. Poirier</i> | <i>14th Bristol</i> |
| <i>Susan Williams Gifford</i> | <i>2nd Plymouth</i> |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> |
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Shawn Dooley</i> | <i>9th Norfolk</i> |
| <i>Danielle W. Gregoire</i> | <i>4th Middlesex</i> |
| <i>Leonard Mirra</i> | <i>2nd Essex</i> |
| <i>Paul K. Frost</i> | <i>7th Worcester</i> |
| <i>David K. Muradian, Jr.</i> | <i>9th Worcester</i> |

HOUSE No. 3536

By Representatives Barrows of Mansfield and Ferguson of Holden, a petition (accompanied by bill, House, No. 3536) of F. Jay Barrows and others for legislation to regulate parasailing. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**

An Act regulating parasailing.

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

1 Said chapter 90B is hereby amended by inserting after section 9B, as appearing in the
2 2012 Official Edition, the following 2 sections:-

3 Section 9C. (a) For purposes of this section, “parasailing” shall mean any activity
4 involving the towing of a person by a vessel if: (a) a person is tethered to the towing vessel; (b)
5 the person ascends above the water; and (c) the person or persons remain suspended under a
6 canopy, chute or parasail above the water while the vessel is underway.

7 (b) No person shall operate a vessel on any waters of the commonwealth engaged in
8 parasailing unless there is a person in the vessel, in addition to the operator, in a position to
9 observe the progress of the person being towed. A wide-angle rear view mirror is not acceptable
10 for this purpose.

11 (c) No person shall engage in parasailing at any time between the hours from one-half
12 hour after sunset to one-half hour before sunrise.

13 (d) No person shall engage in parasailing unless such person is wearing a noninflatable
14 type I, type II, type III, or type V personal flotation device approved by the United States Coast
15 Guard.

16 (e) The provisions of this section shall not apply to a performer engaged in a professional
17 exhibition or a person preparing to participate in a professional exhibition which has previously
18 been approved by the director.

19 (f) No person shall operate or manipulate any vessel, tow rope, or other device by which
20 the direction or location of parasail may be affected or controlled, in such a way as to cause the
21 parasail or any person thereon to collide or strike against or be likely to collide or strike against
22 any vessel, bridge, wharf, pier, dock, buoy, platform, piling, channel marker, or other object,
23 except slalom buoys, ski jumps, or like objects used normally in competitive.

24 (g) No person shall operate any vessel towing a parasail or engaged in parasailing within
25 2 miles of the boundary of any airport unless otherwise permitted under federal law.

26 Section 9D. (a) For purposes of this section, the following words shall, unless the context
27 clearly requires otherwise, have the following meanings:-

28 “Commercial parasailing”, shall mean providing or offering to provide, for consideration
29 or compensation, any activity involving the towing of a person by a vessel if: (a) a person is
30 tethered to the towing vessel; (b) the person ascends above the water; and (c) the person or
31 persons remain suspended under a canopy, chute or parasail above the water while the vessel is
32 underway.

33 “Parasailing equipment”, all equipment used for parasailing, including the canopy, all
34 lines or ropes for suspension and towing, the riser, all harnesses and any parts thereof, all
35 hangers and waist belts, the yoke and the flight bar.

36 (b) The operator of a vessel engaged in commercial parasailing shall adhere to the
37 provisions set forth in section 9C.

38 (c) The owner or operator of a vessel engaged in commercial parasailing shall not offer or
39 provide for consideration any parasailing activity unless the owner or operator first obtains and
40 maintains in full force and effect a liability insurance policy from an insurance carrier licensed in
41 the commonwealth or approved by the commissioner of insurance. Such policy shall provide
42 bodily injury liability coverage in the amounts of at least \$1 million per occurrence and \$2
43 million annual aggregate. Proof of insurance shall be available for inspection at the location
44 where commercial parasailing is offered or provided and each customer who requests such proof
45 shall be provided with the insurance carrier's name and address and the insurance policy number.

46 (d) The operator of a vessel engaged in commercial parasailing shall have a current and
47 valid license issued by the United States Coast Guard authorizing the operator to carry
48 passengers for hire. The license shall be appropriate for the number of passengers carried and the
49 displacement of the vessel. The license shall be carried on the vessel and shall be available for
50 inspection while engaging in commercial parasailing activities.

51 (e) A vessel engaged in commercial parasailing shall be equipped with a functional VHF
52 marine transceiver and a separate electronic device capable of providing access to National
53 Weather Service forecasts and current weather conditions.

54 (f) Commercial parasailing is prohibited if the current observed wind conditions in the
55 area of operation include a sustained wind speed of more than 20 miles per hour; if wind gusts
56 are 15 miles per hour higher than the sustained wind speed; if the wind speed during gusts
57 exceeds 25 miles per hour; if rain or heavy fog results in reduced visibility of less than 0.5 mile;
58 or if a known lightning storm comes within 7 miles of the parasailing area.

59 (g) The operator of the vessel engaged in commercial parasailing shall use all available
60 means to determine prevailing and forecasted weather conditions and record this information in a
61 weather log each time passengers are to be taken out on the water. The weather log must be
62 available for inspection at all times at the operator's place of business.

63 (h) The owner or operator of a vessel engaged in commercial parasailing shall not use
64 any parasailing equipment that is more than 10 years old from the date of its original purchase or
65 that is otherwise worn out from use to the extent that the safety of such equipment is
66 compromised.

67 (i) A person who violates this section shall be punished by a fine of not more than \$500
68 or by imprisonment for not more than 60 days or by both such fine or imprisonment.