

HOUSE No. 886

The Commonwealth of Massachusetts

PRESENTED BY:

Shawn Dooley

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 relative to the operation of personal watercrafts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>1/25/2021</i>

HOUSE No. 886

By Mr. Dooley of Norfolk, a petition (accompanied by bill, House, No. 886) of Shawn Dooley relative to the operation of personal watercrafts. Environment, Natural Resources and Agriculture.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE [Refile Branch], NO. OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the operation of personal watercrafts.

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 2018 Official
2 Edition, is hereby amended by striking out section 1 and inserting in place thereof the following
3 section:-

4 Section 1. In this chapter, unless the context otherwise requires, the following words shall
5 have the following meanings:

6 “Amphibious landing vehicle”, a motor vehicle that can travel on land and water.

7 “Boating accident”, an occurrence in which a waterborne vessel subject to this chapter is
8 involved, whether or not there has been any actual collision, and which results in damage by or
9 to such vessel or its equipment, or by or to an object or person being towed, pushed or propelled

10 by such vessel, or in which there is an injury to any person, loss of life, or disappearance of any
11 person under circumstances which indicate the possibility of death or injury or disappearance of
12 a vessel other than by theft.

13 “Certificate of Number”, a document issued by the director, upon application therefor,
14 stating the name and address of the owner of, and the number awarded to a vessel subject to this
15 chapter, except such vessels, other than livery boats, owned by a manufacturer of or dealer in
16 boats.

17 “Commissioner”, the commissioner of the department of fisheries, wildlife and
18 environmental law enforcement.

19 “Department”, the department of fisheries, wildlife and environmental law enforcement
20 of the executive office of environmental affairs.

21 “Director”, the director of the division of law enforcement of the department of fisheries,
22 wildlife and environmental law enforcement.

23 “Division”, the division of law enforcement of the department of fisheries, wildlife and
24 environmental law enforcement.

25 “Horsepower”, the aggregate rated horsepower of all propellant machinery at maximum
26 operating revolutions per minute.

27 “Identification number”, the number awarded to a vessel subject to this chapter and upon
28 approval of an application for a certificate of number.

29 “Length”, the extreme deck fore-and-aft measurement of a vessel.

30 “Like offense”, as used in subsection (a) of section eight, shall mean any violation of
31 paragraph (1) of subsection (a) of section eight, or any violation of subparagraph (1) of
32 paragraph (a) of subsection (1) of section twenty-four of chapter ninety.

33 “Livery boat”, a boat hired or available for hire from a person who offers boats for hire as
34 a regular business.

35 “Machinery”, all inboard and outboard engines and all other types of motors or
36 mechanical devices capable of propelling vessels.

37 “Motorboat”, any vessel propelled by machinery whether or not such machinery is the
38 principal source of propulsion, but not a vessel which has a valid marine document issued by the
39 Bureau of Customs of the United States government or any federal agency successor thereto.

40 “Operate”, navigate or otherwise use a motorboat or vessel.

41 “Operator”, a person who operates or who has a charge of the navigation or use of a
42 motorboat or vessel.

43 “Owner”, the person who claims lawful possession of a vessel by virtue of legal title or
44 equitable interest therein which entitles him to possession.

45 “Person”, a natural person, corporation, association, partnership or other legal entity or
46 other legal agency or political subdivision.

47 “Personal flotation devices”, TYPE I, a coast guard approved device designed to turn an
48 unconscious person in the water from a face downward position to a vertical or slightly
49 backward position, and to have more than twenty pounds of buoyancy. Acceptable for all size
50 boats. TYPE II, a coast guard approved device designed to turn an unconscious person in the

51 water from a face downward position to a vertical or slightly backward position and to have at
52 least fifteen and five-tenths pounds of buoyancy. Acceptable for all size boats. TYPE III, a coast
53 guard approved device designed to keep a conscious person in a vertical or slightly backward
54 position and to have at least fifteen and five-tenths pounds of buoyancy. While having the same
55 buoyancy as TYPE II, the TYPE III has a lesser turning ability to allow for a comfortable design
56 for water activities such as water skiing. Acceptable for all size boats. TYPE IV, a coast guard
57 approved device designed to be thrown to a person in the water and not worn. It is designed to
58 have at least sixteen and five-tenths pounds of buoyancy. Acceptable for all boats as a throwable
59 device only.

60 “Personal watercraft”, any motorized watercraft that is 16 feet or less in hull length as
61 manufactured, uses an outboard motor or an inboard motor powering a water jet pump as its
62 primary source of power, and is designed to be operated by a person sitting, standing, kneeling
63 on or being towed behind the vessel, rather than the conventional manner of sitting or standing
64 inside the vessel. “Personal watercraft” shall include, but not be limited to, a jet ski, wet bike,
65 surf jet, fun ski and miniature speedboat. “Personal watercraft” shall also include motorized
66 watercraft whose operation is controlled by a water skier. “Personal watercraft” shall not include
67 a motorized watercraft that does not have a horsepower rating greater than 15 horsepower and
68 does not generate an unreasonable amount of noise.

69 “Registrar”, the registrar of motor vehicles.

70 “Secretary”, the Secretary of the Department of the United States government in which
71 the coast guard is operating.

72 “Ship's lifeboats”, boats carried aboard a vessel and used solely for lifesaving purposes,
73 but not including dinghies, tenders, speedboats or other types of craft carried aboard a vessel and
74 used for other than lifesaving purposes.

75 “Underway”, not an anchor, made fast to the shore or aground.

76 “Vessel”, watercraft of every description, except a seaplane on the water used or capable
77 of being used as a means of transportation on water.

78 “Waters of the commonwealth”, all coastal and inland waters as defined in section one of
79 chapter one hundred and thirty-one except ponds less than ten acres in area and owned by one
80 person, and is not open to the public.

81 SECTION 2. Section 9A of said chapter 90B, as so appearing, is hereby amended by
82 striking out, in line 1, the words “jet ski, surf jet or wetbike” and inserting in place thereof the
83 following words:- a personal watercraft.

84 SECTION 3. Section 9A of chapter 90B of the General Laws, as appearing in the 2016
85 Official Edition, is hereby amended by inserting after the word “sunrise”, in lines 6 and 7, the
86 following clause:- or (f) without having completed the educational safety program required for
87 the operation of personal watercrafts pursuant to section 9B of this chapter.

88 SECTION 4. Said section 9A of said chapter 90B, as so appearing, hereby further
89 amended by striking out, in lines 8 and 9 the following words:- , jet ski, surf jet or wetbike.

90 SECTION 5. Section 9B of said chapter 90B, as so appearing, is hereby amended by
91 striking out, in lines 3 and 4, the words “jet ski, surf jet or wetbike.” and inserting in place
92 thereof the following words:- personal watercrafts.

93 SECTION 6. Said section 9B of said chapter 90B, as so appearing, is hereby further
94 amended by striking out the following words:- under the age of eighteen.

95 SECTION 7. Said section 9B of said chapter 90B, as so appearing, is hereby further
96 amended by inserting, in line 5, after the word “in” the following words:- and successfully
97 complete.

98 SECTION 8. Said section 9B of said chapter 90B, as so appearing, is hereby further
99 amended by adding the following sentence:- All persons operating a personal watercraft shall be
100 required to carry the certificate granted upon completion of this program with them while
101 operating said watercrafts at all times.