

SENATE No. 3011

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

SENATE, December 30, 2024.

The committee on Senate Ways and Means to whom was referred the House Bill relative to boater safety to be known as the Hanson Milone Act (House, No. 4941); reports, recommending that the same ought to pass with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 3011.

For the committee,
Michael J. Rodrigues

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1 SECTION 1. Section 1 of chapter 90B of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the definitions of “Director” and “Division”
3 and inserting in place thereof the following 2 definitions:-

4 “Director”, the director of law enforcement or an authorized designee.

5 “Division”, the office of law enforcement.

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

8 “Office of law enforcement”, the office of law enforcement established pursuant to section 10A
9 of chapter 21A.

10 SECTION 3. Said section 1 of said chapter 90B, as so appearing, is hereby further
11 amended by striking out the definition of “Personal flotation devices” and inserting in place
12 thereof the following 2 definitions:-

13 “Personal flotation device”, a wearable or throwable personal flotation device approved
14 by the Commandant of the United States Coast Guard under 46 C.F.R. Part 160.

15 “Personal watercraft”, a vessel propelled by a water jet pump or other machinery as its
16 primary source of motor propulsion that is designed to be operated by a person sitting, standing
17 or kneeling on the vessel rather than being operated in the conventional manner by a person
18 sitting or standing inside the vessel and shall include, but not be limited to, jet skis, surf jets,
19 wetbikes and water jet devices.

20 SECTION 4. Said section 1 of said chapter 90B, as so appearing, is hereby further
21 amended by inserting after the definition of “Surf jet” the following definition:-

22 “Throwable personal flotation device”, a personal flotation device that is intended to be
23 thrown to a person in the water, including personal flotation devices marked as Type IV or Type
24 V with Type IV performance; provided, however, that unless specifically marked otherwise, a
25 wearable personal flotation device shall not be considered a throwable personal flotation device.

26 SECTION 5. Said section 1 of said chapter 90B, as so appearing, is hereby further
27 amended by inserting after the definition of “Vessel” the following definition:-

28 “Water jet device”, a personal watercraft that consists of a device or system that utilizes a
29 high-velocity jet or stream of water for the purpose of lifting a person off the surface of the water
30 or the deck of a vessel into the air, including, but not limited to, jetlevs, flyboards, flyrides,
31 jetovators, hydrolifts and jet-packs.

32 SECTION 6. Said section 1 of said chapter 90B, as so appearing, is hereby further
33 amended by inserting after the definition of “Waters of the commonwealth” the following 2
34 definitions:-

35 “Wearable personal flotation device”, a personal flotation device that is intended to be
36 worn or otherwise attached to the body, including personal flotation devices marked as Type I,
37 Type II, Type III or Type V with Type I, II or III performance.

38 “Wet exit training”, the practice of escaping from a capsized kayak in a controlled water
39 setting.

40 SECTION 7. Section 3 of said chapter 90B, as so appearing, is hereby amended by
41 striking out, in lines 11 and 12, the word “department” and inserting in place thereof the
42 following word:- division.

43 SECTION 8. Section 5 of said chapter 90B, as so appearing, is hereby amended by
44 striking out subsections (f) to (h), inclusive, and inserting in place thereof the following
45 subsections:-

46 (f) Every vessel required to carry a bell pursuant to federal laws or regulations shall have
47 a bell in accordance with 33 C.F.R. 86.02.

48 (g) Every motorboat shall carry at least 1 personal flotation device for each person
49 aboard. Every motorboat of Class A, 1, 2 or 3 shall carry at least 1 wearable personal flotation
50 device for each person aboard. Such flotation devices shall be clearly labeled or imprinted with
51 United States Coast Guard approval, of appropriate size and type for the intended user, as
52 determined by the director, and shall be readily accessible and maintained in good and
53 serviceable condition. Every vessel not less than 16 feet shall have a throwable personal flotation
54 device that is readily accessible and in good and serviceable condition. Devices that use kapok or
55 fibrous glass for flotation material shall have such material encased in plastic covers. Every
56 motorboat carrying passengers for hire shall carry at least 1 wearable personal flotation device

57 for each person on board that is readily accessible, in good and serviceable condition and of
58 appropriate size and type.

59 (h) Every motorboat shall carry the fire extinguishing equipment required by 33 C.F.R.
60 Part 175. Fire extinguishers shall be of an approved type for use on the vessel, immediately
61 accessible, in good and serviceable condition, unexpired, not previously used and in a condition
62 for immediate and effective use.

63 SECTION 9. Said section 5 of said chapter 90B, as so appearing, is hereby further
64 amended by adding the following subsection:-

65 (m) Persons operating a motorboat or personal watercraft equipped by the manufacturer
66 with a lanyard type engine cutoff switch shall attach said lanyard to themselves or their clothing
67 or wearable personal flotation device as appropriate for the specific vessel.

68 SECTION 10. Said chapter 90B is hereby further amended by striking out section 5A, as
69 so appearing, and inserting in place thereof the following section:-

70 Section 5A. Every vessel not subject to section 5, including, but not limited to,
71 unpowered vessels such as canoes, kayaks and stand-up-paddleboards, shall carry at least 1
72 United States Coast Guard approved wearable personal flotation device of appropriate size and
73 type for each person on board in good and serviceable condition in a readily accessible location
74 and additional personal flotation devices as the director may deem necessary. Each amphibious
75 landing vehicle shall have at least 1 United States Coast Guard approved wearable personal
76 flotation device of appropriate size and type in good and serviceable condition that shall be in a
77 readily accessible location for each passenger under 10 years of age. This section shall not apply

78 to vessels used in competitive rowing, sculling or supervised intercollegiate sailing programs,
79 rafts, surfboards, sail fish or any similar type of vessel.

80 SECTION 11. Said chapter 90B is hereby further amended by inserting after section 9B
81 the following 4 sections:-

82 Section 9C. As used in sections 9D to 9F, inclusive, the following words shall have the
83 following meanings unless the context clearly requires otherwise:

84 “Approved jurisdiction”, any other state, territory and the District of Columbia, any state,
85 province or territory of Canada or other jurisdiction with which the division has established a
86 reciprocity arrangement for boating safety education.

87 “Non-resident”, a person whose legal residence is not within the commonwealth.

88 Section 9D. (a)(1) The director shall establish a boater safety education program for motorboat
89 and personal watercraft operators.

90 (2) To complete the boater safety education program and be issued a valid boater safety
91 certificate under this section, a person shall successfully complete an examination established by
92 the division.

93 (3) Boater safety certificates issued pursuant to this section shall be in a form prescribed
94 by the director.

95 (4) Boater safety certificates shall be valid for the lifetime of the person named on the
96 certificate, except as otherwise provided by law, court judgement or order or administrative
97 hearing conducted by the director or a designee.

98 (b) No person under 12 years of age shall be issued a boater safety certificate.

99 (c)(1) The division shall provide a boater safety education program and examination, for
100 which it may require a payment of a reasonable fee as determined by the director. Upon the
101 successful completion of the online boater safety education program and examination, the person
102 shall be immediately issued a printable, temporary boater safety certificate; provided, however,
103 that the director or the program provider shall mail an original boater safety certificate to the
104 person thereafter.

105 (2) The director may require boater safety education program providers who offer on-site
106 boating safety examinations to certify under pains and penalties of perjury that they comply with
107 course requirements established by the division, including proctored examination conditions;
108 provided, however, that if a provider fails to so certify, the director may bar the provider from
109 providing boater safety education programs or examinations.

110 (3) If a person does not pass the boater safety education examination on the first attempt,
111 the person may take the examination an unlimited number of times until the person successfully
112 completes the examination.

113 (4) Upon the successful completion of the examination by a person taking an on-site
114 boating safety examination, the boater safety education program provider may arrange for an
115 electronic copy of the successful certificate to be made available to the person.

116 Section 9E. (a) No person shall operate a motorboat or personal watercraft on the waters
117 of the commonwealth unless the person complies with the boater safety educational requirements
118 established under section 9D and has on board and available for inspection an original valid

119 boater safety certificate; provided, however, that a person shall not be required to hold a boater
120 safety certificate if the person:

121 (i) is accompanied on board and directly supervised by a person not less than 18 years of
122 age who has on board and available for inspection a valid boater safety certificate;

123 (ii) holds a valid merchant mariner credential, pursuant to 46 U.S.C. 7510, as a vessel
124 master or mate of any tonnage, operator of uninspected passenger vessel, launch operator's
125 license or other similar license to captain a commercial vessel issued by the United States Coast
126 Guard, or an equivalent type license issued by any state of the United States or foreign
127 government; provided, however, that the license shall be on board when operating the vessel and
128 available for inspection;

129 (iii) is a non-resident and has in possession and available for inspection a boater safety
130 education certificate or similar documentation issued by an approved jurisdiction;

131 (iv) is an active member in the armed forces of the United States, National Guard or
132 United States Coast Guard and who is qualified to operate motorboats based on training or
133 position in such branch or organization; provided, however, that the person has on board and
134 available for inspection documentation showing such qualification;

135 (v) has within the past 6 months acquired ownership of a motorboat that is numbered by
136 the commonwealth or documented by the United States Coast Guard and has on board and
137 available for inspection a valid temporary boater safety certificate to operate the vessel printed
138 pursuant to subsection (c) of section 9D;

139 (vi) is an operator of a motorboat in a boater safety education program;

140 (vii) is the operator of a commercial fishing vessel, subject to the Commercial Fishing
141 Industry Vessel Safety Act of 1988, 46 U.S.C. 4501, et seq., as amended; or

142 (viii) is a student attending an accredited secondary school, maritime school, college or
143 university and is operating a motorboat in conjunction with a prescribed course of instruction and
144 has evidence of the same on board.

145 (b) Notwithstanding subsection (a), no person less than 12 years of age shall operate a
146 motorboat on the waters of the commonwealth unless the person is accompanied on board and
147 directly supervised by a person not less than 18 years of age who holds a valid boater safety
148 certificate.

149 (c) The boater safety education requirements established under section 9D and operator
150 age requirements to operate motorboats shall not apply when: (i) the vessel is operated by a
151 division law enforcement officer or employee of a municipal fire department or the department
152 of fire services in the performance of their official duties; (ii) the person is operating the
153 motorboat in reasonable response to an onboard emergency, including, but not limited to, if the
154 operator or person supervising the operator pursuant to this section becomes incapacitated or
155 physically unable to operate or supervise the operation of the vessel or in response to another
156 vessel that has declared an emergency situation; (iii) the person is operating the motorboat under
157 the direction of a division law enforcement officer; (iv) the vessel is a ship's lifeboat; (v) the
158 vessel is the property of a branch of the armed forces of the United States, the National Guard or
159 the United States Coast Guard or is a military vessel of a foreign country; or (vi) the person
160 operating the vessel is exempted pursuant to regulation or by waiver issued by the director.

161 (d)(1) An owner of a motorboat or other person not less than 18 years of age, having
162 custody or control of a motorboat, who knowingly permits a person under the age of 18 to
163 operate the vessel in violation of this section, shall be held liable, jointly and severally with the
164 operator, for any violations, damages or injuries caused by such person's operation of the vessel
165 and for any fines, penalties or restitution resulting therefrom.

166 (2) Lack of ownership of the vessel or mistake as to the age of the operator shall not be
167 defenses in an action filed pursuant to this section.

168 (e) The director may promulgate regulations for the administration of this section. The
169 division shall publish on its website all current laws and regulations applicable to the boater
170 safety education requirements for motorboat operators.

171 Section 9F. Whoever violates any provision of section 9E shall be punished by a fine of
172 not less than \$50 or, for a second or subsequent offense, \$100.

173 SECTION 12. Said chapter 90B is hereby further amended by inserting after section 13A
174 the following section:-

175 Section 13B. (a) A person holding themselves as a kayak instructor for hire shall obtain and
176 maintain: (i) first aid training certification approved by the department of public health; (ii)
177 cardiopulmonary resuscitation training approved by the department of public health; and (iii) a
178 watercraft and water safety certification program approved by the director.

179 (b) A kayak instructor shall train students on the safety procedures appropriate to the
180 level of paddling difficulty. Wet exit training shall be required of all beginners and novice level

181 operators who use an attached spray skirt during any part of the kayak instructional session. A
182 liability release that limits an instructor's responsibility to comply with this section shall be void.

183 SECTION 13. A boater safety certificate or equivalent documentation issued by an
184 approved jurisdiction to an individual operating a vessel in the commonwealth prior to the
185 effective date of this act shall continue to be valid.

186 SECTION 14. Persons born not later than January 1, 1989 shall have until April 1, 2028
187 to comply with section 9E of chapter 90B of the General Laws.

188 SECTION 15. Sections 9D to 9F, inclusive, of chapter 90B of the General Laws shall
189 take effect on April 1, 2026; provided, however, that no operator of any motorboat or personal
190 watercraft shall be assessed a penalty for a violation of section 9B of said chapter 90B until
191 September 1, 2026.

192 SECTION 16. The office of law enforcement shall publish guidance or promulgate
193 regulations to implement sections 9D to 9F, inclusive, of chapter 90B of the General Laws not
194 later than October 1, 2025.