

# OPERATIONAL LAW

## Peace Officers

Every peace officer of the state, city, county, harbor district or other political subdivision of the state is empowered to enforce California boating law. These officers have the authority to stop and board any vessel where they have probable cause to believe that a violation of law exists.

Peace officers are also authorized to order the operator of an unsafe vessel to shore. Your vessel can be ordered to the nearest safe moorage if an unsafe condition is found that cannot be corrected on the spot and if the officer determines that continued operation would be dangerous.

Any vessel approaching, overtaking, being approached, or being overtaken by a moving law enforcement vessel operating with a siren or an illuminated blue light, or any vessel approaching a stationary law enforcement vessel displaying an illuminated blue light, shall:

- Immediately slow to a speed sufficient to maintain steerage only.
- Alter its course, within its ability, so as not to inhibit or interfere with operation of the law enforcement vessel.
- Proceed, unless otherwise directed by the law enforcement vessel operator, at the reduced speed until beyond the law enforcement vessel's area of operation.

## Trailing

The law prohibits you from towing a trailered vessel containing a passenger, except when you are launching or retrieving a vessel. For more information, please visit: <http://www.dbw.ca.gov/Pubs/Trailer/TrailerSailors.pdf>.

## Stolen Vessels

If a numbered vessel is stolen, the legal owner should notify local law enforcement as soon as possible. The owner shall also notify the local law enforcement agency if the vessel reported stolen is recovered. For more information, please visit: [http://www.dbw.ca.gov/Pubs/Marine\\_Secur/MarineSecurity.pdf](http://www.dbw.ca.gov/Pubs/Marine_Secur/MarineSecurity.pdf).

## County and City Laws

In addition to state law, many counties, cities and districts have special laws or ordinances that restrict activities in certain areas, prohibit certain acts at certain times or establish additional requirements. These ordinances may regulate speed, set aside specific areas or hours for special purposes, and prohibit acts that are contrary to public interest. Boaters must comply with these local rules as well as with state law. Check with your local waterway operator for special laws or ordinances in your area.

## Age Restrictions

No person under 16 years of age may operate a boat with a motor of more than 15 horsepower, except for a sailboat that does not exceed 30 feet in length or a dinghy used directly between a moored boat and the shore (or between two moored boats). The law allows children 12–15 years of age to operate boats with a motor of more than 15 horsepower or sailboats over 30 feet if supervised on board by an adult at least 18 years of age. Violating these provisions constitutes an infraction.

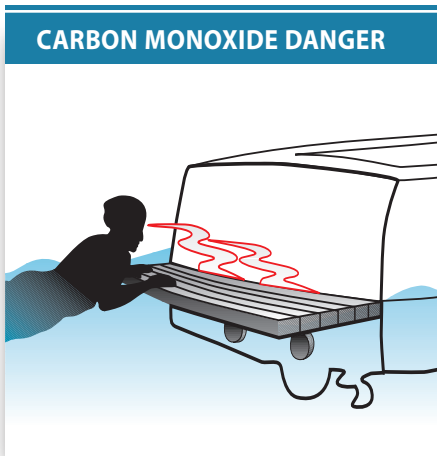
## Speed

Speed is limited by law for certain conditions and areas. The maximum speed for motorboats within 100 feet of a bather (but not a water skier) and within 200 feet of a bathing beach, swimming float, diving platform or lifeline, passenger landing being used, or landing where boats are tied up is 5 miles per hour.

A safe speed should be maintained at all times so that: (1) action can be taken to avoid collision; and (2) your boat can stop within a distance appropriate to the prevailing circumstances and conditions. In restricted visibility, motorboats should have the engines ready for immediate maneuvering. You should be prepared to stop the vessel within the space of half the distance of forward visibility.

## Carbon Monoxide

It is a violation of California law to operate a vessel's motor or generator while someone is: (1) teak surfing, platform dragging or bodysurfing behind the vessel; or (2) while someone is occupying or holding onto a swim platform, swim deck, swim step, or swim ladder, except for a very brief period of time when a person is assisting with the docking or departure of the vessel or exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity.



Teak surfing or platform dragging means holding onto the swim platform, swim deck, swim step, swim ladder, or any portion of the transom exterior of a motorized vessel for any amount of time while the vessel is underway at any speed. The law requires that a set of carbon monoxide warning stickers be placed on the transom and helm of all new and used motorized boats sold in California. For a pamphlet on the dangers of carbon monoxide poisoning and a set of warning decals, please visit: <http://www.dbw.ca.gov/BoaterInfo/CODanger.aspx>.

## Reckless or Negligent Operation of a Vessel

No person shall operate any vessel or manipulate any water skis, aquaplane or similar device in a reckless or negligent manner so as to endanger the life, limb or property of any person. Examples of such operation include, but are not limited to:



- Riding on the bow, gunwale or transom of a vessel under way, propelled by machinery, when such position is not protected by railing or other reasonable deterrent to falling overboard or riding in a position or manner that is obviously dangerous. These provisions shall not apply to a vessel's crew in the act of anchoring, mooring or making fast to a dock or another vessel, or in the necessary management of a sail.
- Maneuvering towed skiers or devices so as to pass the towline over another vessel or its skier.
- Navigating a vessel, skis or other devices between a towing vessel and its tow or tows.
- Operating under the influence of intoxicants or narcotics.

Other actions such as speeding in confined or restricted areas, "buzzing" or "wetting down" others, or skiing at prohibited times or in restricted areas can also be considered reckless or negligent operations.

## Hit-and-Run Accidents

Any person involved in a boating accident that results in injury, death or disappearance who is convicted of leaving the scene without either: (1) furnishing appropriate information to others involved or to any peace officer at the scene; and/or (2) rendering any reasonable assistance to any injured person, is liable for a fine of up to \$10,000 or imprisonment for up to four years, or both. A person responsible for an accident that results in serious injury or death can be subject to a conviction of manslaughter and sentenced to an additional five years in state prison for fleeing the scene.

## Operation of a Vessel While Intoxicated

Alcohol is a factor in about 50 percent of all fatal motorboat accidents in California. State law specifies that:

1. No person shall operate any vessel, water skis or similar device while under the influence of intoxicating liquor or drugs. No person who is addicted to any drug shall operate any vessel, water skis or similar device.
2. No person 21 years of age or older shall operate any vessel, water skis or similar device who has 0.08 percent or more, by weight, of alcohol in his or her blood. A level of at least 0.05 percent, but less than 0.08 percent, may be used with other evidence in determining whether the person was under the influence of alcohol. A person under 21 years of age or older who has been arrested for operating a mechanically propelled vessel "under the influence" may be requested to submit to a chemical test to determine blood-alcohol content. A person convicted of operating a vessel while intoxicated could receive up to a \$1,000 fine and six months in jail.
3. No person under 21 years of age may operate a vessel, water skis or similar device who has 0.01 percent or more of alcohol in his or her blood by weight. Penalties may include a fine of up to \$250 and participation in an alcohol education or community service program.

### » CALIFORNIA BOATER EDUCATION CARD REQUIREMENTS

coming January 1, 2018.

The law requires boating safety education for California recreational power boat operators (see page 1).

## Designated Driver Theory

Designating a driver is not enough on vessels. The concept works well in cars, but drunken passengers on boats can easily fall overboard, swim near the propeller or cause loading problems by leaning over the side or standing up in small vessels, causing vessels to capsize. Everyone who drinks alcohol on board is at risk. If you do drink, wear a life jacket.

## Court-Ordered Boating Education

Any person convicted of a moving violation of the Harbors and Navigation Code or Federal Rules of the Road, or while operating a vessel in violation of the Anthony Farr and Stacey Beckett Boating Safety Act of 2004 (Carbon Monoxide law), shall be ordered by the court to complete and pass a boating safety course approved by DBW.

Proof of completion and passage of the course must be submitted to the court within seven months of the time of the conviction.

## Personal Watercraft Operation

A personal watercraft (PWC), popularly known as a jet ski, is a vessel 13 feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel. PWCs are subject to the same laws governing the operation of motorboats of the same size. Boaters on board a PWC without capacity plates should reference the owner's manual and state law.



**Registration:** For proper display of registration numbers and stickers, see the “Registration” section of this booklet.

**Life Jackets:** Every person on board a PWC and anyone being towed behind a vessel must wear a Coast Guard-approved Type I, II, III or V life jacket.

**Lanyard/Self-Circling Device:** The law requires anyone operating a PWC equipped with a lanyard cutoff switch to attach the lanyard to his or her person. Operating a PWC equipped with a self-circling device is prohibited if the device has been altered.

**Nighttime Operation Prohibited:** The law prohibits the operation of a PWC at any time from sunset to sunrise, even if the PWC is equipped with proper navigational lights.

**Operator Age:** It is an infraction for anyone under 16 years of age to operate a motorboat of more than 15 horsepower, including a PWC. Any person who permits someone under age 16 to do so is also guilty of an infraction. Children 12–15 years of age may operate a motorboat of more than 15 horsepower if supervised by an adult on board who is at least 18 years of age.

**Reasonable and Prudent Operation:** Under California law, no person shall operate any craft in a reckless or negligent manner so as to endanger the life, limb or property of any individual. Some examples are:

- Navigating a vessel, skis or other devices between a towing vessel and its tow or tows.
- Operating under the influence of intoxicants or narcotics.
- Jumping or attempting to jump the wake of another vessel within 100 feet of the other vessel, which constitutes unsafe operation.

**Note:** Other actions that constitute unsafe operation include: (1) operating a PWC toward any person or vessel in the water and turning sharply so as to spray the person or vessel; and (2) operating at a rate of speed and in proximity to another vessel so that either operator is required to swerve at the last minute to avoid collision. A free PWC Course can be taken online at: [www.dbw.ca.gov/BoaterInfo/PWCOnline](http://www.dbw.ca.gov/BoaterInfo/PWCOnline)

## Water Skiing

When using a boat to tow someone on water skis or an aquaplane, there must be one other person in the boat—in addition to the operator—who can observe the person being towed. The observer must be at least 12 years of age. Other tow sports, such as wake boarding, knee boarding, and tubing, must follow the same rules and guidelines as skiers.

**Life Jackets:** Effective Jan 1, 2001, California law provides that any person being towed behind a vessel must have on a wearable Coast Guard-approved life jacket. Exceptions: The law does not apply to performers engaged in professional exhibitions, official regattas, marine parades or tournaments. Any person engaged in slalom skiing on a marked course or in barefoot, jump or trick water skiing, may instead wear a wetsuit designed for the activity and labeled by the manufacturer as a water ski wetsuit. However, for each skier who elects to wear a wetsuit, a wearable Coast Guard-approved life jacket still must be carried on board.

**Note:** *Inflatable personal flotation devices are not approved for use while water skiing.*

**Towing:** Water skis and aquaplanes must not be operated in a manner to endanger the safety of people or property. Passing the towline over another vessel or skier and towing a skier or navigating between a vessel and its tow are prohibited. Towing a skier does not give the vessel operator any special privileges. You must observe the rules of the road.



The towing of water skiers from sunset to sunrise is prohibited by state law. Local laws may also restrict skiing at specific times during the day and in certain areas. For more information, please visit: [www.dbw.ca.gov/Pubs/Watski/TowingSports.pdf](http://www.dbw.ca.gov/Pubs/Watski/TowingSports.pdf).

**Water Ski Flag:** The operator of a vessel involved in towing a skier must display, or cause to be displayed, a red or orange water ski flag to indicate:

- A downed skier
- A skier in the water preparing to ski
- A ski line extended for the vessel
- A ski in the water in the vicinity of the vessel

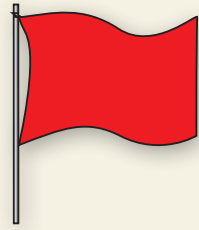
The flag must be no less than 12 inches on each side and be in the shape of a square or rectangle. The display of the ski flag does not in itself restrict the use of the water, but when operating in the area, boaters should exercise caution.

## Diving

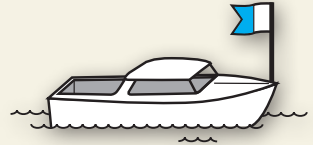
**Alpha Flag:** Whenever the size of a vessel engaged in diving operations during daytime hours makes it impracticable to exhibit the daytime shapes required of a vessel restricted in its ability to maneuver, a rigid replica of the international blue-and-white code flag (Alpha) is required to be displayed. The flag must measure not less than 1 meter (3 ft. 3 in.) in height and must be visible all round the horizon.

For boats tending free-swimming divers where the diving does not interfere with the maneuverability of the boat, the alpha flag is not required and they may display the “divers down” flag.

**Divers Down Flag:** State law recognizes that a red flag with a white diagonal stripe—commonly called the divers down flag—indicates a person engaged in diving in the immediate area. Displaying the divers down flag is not required by law and does not in itself restrict the use of the water. When operating in an area where this flag is displayed, boaters should exercise caution.

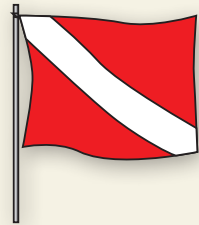


**WATER SKIING FLAG**



**ALPHA FLAG**

Required for use by vessels engaged in diving operations and restricted in their ability to maneuver.



**DIVERS DOWN FLAG**

Recognized for use by people engaged in diving.