

By Mr. Longworth of Methuen, petition of William Longworth for legislation to establish uniform boat regulations. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Fifty-Five.

AN ACT ESTABLISHING UNIFORM BOAT REGULATIONS.

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. Sections 15, 15A, 15B and 16 of chapter
2 102 of the General Laws are hereby repealed.

1 SECTION 2. The General Laws are hereby amended
2 by inserting after chapter 102 the following new
3 chapter: —

4 CHAPTER 102A

5 UNIFORM BOAT REGULATIONS

6 *Section 1. Application and Jurisdiction.* — The pro-
7 visions of this chapter shall be applicable to all boats as
8 herein defined navigating the waters within the juris-
9 diction of this state, except where inconsistent with any
10 laws or regulations of any higher governing authority,
11 in which case such laws or regulations shall prevail.

12 *Section 2. Definitions.* — The term “person” means
13 any individual, firm, corporation, co-partnership, com-
14 pany, association or joint-stock association, including
15 any trustee, administrator, executor, receiver, assignee
16 or other personal representative thereof.

17 The term “boat” shall mean any vessel (such as
18 rafts, canoes, skiffs, dinghies, rowboats, sailing vessels,
19 or motorboats) less than twenty-six feet in over-all
20 length.

21 The term "motorboat" shall mean any vessel pro-
22 pelled in whole or part by machinery, including vessels
23 temporarily equipped with detachable motors, less than
24 twenty-six feet in over-all length.

25 *Section 3. Boats used for Hire.* — (A) Boats used
26 for hire to be licensed within ninety days after the
27 effective date of this chapter, and each year thereafter
28 prior to May first, every person or firm or corporation
29 who shall rent or offer to rent any boat, or furnish the
30 same with leased or rented living accommodations for
31 use upon any of the public waters of this state, shall
32 first apply for a license so to do from the department of
33 public safety upon forms furnished by them. No boat
34 shall thereafter be rented or offered for rent until such
35 license has been granted and the boat marked as
36 hereinafter provided.

37 (B) *License fee:* The fee for such license shall be
38 one dollar for each boat specified in subdivision (A)
39 above.

40 (C) *Rules and regulations:* The department of pub-
41 lic safety is hereby empowered to prescribe methods of
42 inspection to determine the weight capacity for each
43 rental boat, and to satisfy said department that such
44 boat is of a suitable structure for the service in which
45 she is to be employed, and is in a condition to warrant
46 the belief that it may be used in navigation with safety
47 to life.

48 In order to authorize the maximum number of pounds
49 of weight for a boat (except canoes and sailboats), the
50 said department shall have its cubic foot capacity ac-
51 curately determined, divide this number by twelve and
52 multiply the quotient by one hundred and fifty pounds.

53 (D) *Inspection:* It shall be the duty of said depart-
54 ment to cause such boats to be inspected upon each
55 application of license, and to see that all boats comply
56 with the standards prescribed. Whenever, upon such
57 inspection, it shall be found that any boat so inspected
58 does not comply with such standards, it shall thereupon
59 be the duty of the said department to notify the owner,
60 proprietor or agent in charge of any such boat to

61 comply with such standards and with the provisions of
62 this section prior to further use of such boat.

63 (E) *Inspection markings:* With the license herein
64 provided for there shall be issued a durable tag or disc
65 for each boat showing the year of such inspection and
66 such other matters as the (insert name of department)
67 may deem necessary, which tag or disc must be affixed
68 to some prominent place at the bow of the boat.

69 There shall also be painted conspicuously on the after
70 quarter the number of pounds of weight authorized to
71 be carried therein, and no owner, his agent or lessor,
72 shall knowingly permit more than that number of
73 pounds of weight to occupy said boat at any time.

74 (F) *Safety equipment:* Motorboats which carry
75 passengers for hire shall be provided with one U. S.
76 Coast Guard approved life jacket, ring buoy or buoyant
77 cushion for each passenger on board.

78 All motorboats carrying passengers for hire shall be
79 equipped with at least one U. S. Coast Guard approved
80 hand portable fire extinguisher.

81 (G) *Monies credited to general revenue fund:* All
82 monies received under this chapter shall be paid into
83 the state treasury and shall be credited to the General
84 Fund.

85 (H) *Cooking fuel:* On boats carrying passengers for
86 hire, the use of liquefied petroleum gases and certain
87 inflammable liquids for cooking, heating or lighting is
88 prohibited.

89 *Section 4. Life Preservers.* — All motorboats not
90 otherwise specifically provided for shall carry a Coast
91 Guard approved life preserver, ring buoy or buoyant
92 cushion for each person on board.

93 *Section 5. Lights.* — (A) Every motorboat under
94 twenty-six feet shall carry the following lights from
95 sunset to sunrise: —

96 1. A bright, white light aft to show all around the
97 horizon visible for a distance of two miles or more.

98 2. A combination light in the forepart of the boat
99 lower than the white light aft, showing green to star-
100 board and red to port so fixed as to throw a light from

101 dead ahead to two points abaft the beam on their
102 respective sides, and visible for a distance not less than
103 one mile.

104 (B) Boats not propelled by machinery, when
105 underway, shall carry on board from sunset to sunrise
106 but not fixed to any part of the boat a lantern or flash-
107 light capable of showing a white light visible all around
108 the horizon at a distance of two miles or more, and shall
109 display such lantern in sufficient time to avoid collision
110 with another boat.

111 (C) Sailboats (including those with outboard
112 motors) under twenty-six feet in length, propelled by
113 sail and machinery or by sails alone, shall carry a
114 bright white light, preferably aft, to show all around
115 the horizon. In addition, such boats when so propelled
116 shall carry ready at hand a lantern or flashlight showing
117 a white light which shall be exhibited in sufficient time
118 to avert collision. Every white light prescribed by
119 this section shall be visible for a distance of two miles
120 or more. The word "visible" when applied to lights
121 shall mean visible on a dark night with clear atmos-
122 phere.

123 (D) Sailboats with inboard engines are subject to
124 the same light requirements as motorboats under
125 twenty-six feet.

126 *Section 6. Muffling Devices.* — It is unlawful to use
127 a boat propelled in whole or in part by gas, gasoline or
128 naphtha unless the same is provided with a stock
129 factory muffler, underwater exhaust or other modern
130 devices capable of adequately muffling the sound of the
131 exhaust of the engine. The phrase "adequately
132 muffling" shall mean that the motor's exhaust at all
133 times be so muffled or suppressed as not to create ex-
134 cessive or unusual noise. The discharge of cooling
135 water through the exhaust of an inboard engine shall be
136 considered an adequate muffling device.

137 *Section 7. Whistles.* — Motorboats which are less
138 than twenty-six feet in length but greater than sixteen

139 feet in length shall be provided with a mouth, hand or
140 power operated whistle capable of producing a blast of
141 two seconds' or more duration and audible for at least
142 one half mile.

143 *Section 8. Carburetors.* — Carburetors on all en-
144 gines of motorboats other than outboard motors shall
145 be fitted with a U. S. Coast Guard approved device for
146 arresting backfire.

147 *Section 9. Ventilators.* — All motorboats using fuel
148 having a flashpoint of one hundred and ten degrees
149 Fahrenheit or less shall have at least two ventilators
150 fitted with cowls or their equivalent for the purpose of
151 properly and efficiently ventilating the bilges of every
152 engine and fuel compartment in order to remove any in-
153 flammable or explosive gases. Some motorboats so
154 constructed as to have the greater portion of the bilges
155 under the engines and fuel tanks open and exposed to
156 the natural atmosphere at all times need not be re-
157 quired to be fitted with such ventilators.

158 *Section 10. Fire Extinguishers.* — All motorboats
159 shall have on board in good condition and fully charged
160 one Coast Guard approved portable fire extinguisher.

161 *Section 11. Reckless Driving and Speeding.* — (A)
162 Every operator of a motorboat shall at all times navigate
163 the same in a careful and prudent manner and at such
164 rate of speed as not to endanger the life, limb or property
165 of any person.

166 (B) Reckless navigation of a motorboat shall in-
167 clude operating the same in a manner which unneces-
168 sarily interferes with the free and proper use of the
169 navigable waters of the state or unnecessarily endangers
170 other boats therein, or the life and limb of any person.

171 (C) No person shall operate any motorboat at a
172 rate of speed greater than will permit him in the exer-
173 cise of reasonable care to bring the motorboat to a stop
174 within the assured clear distance ahead.

175 (D) Nothing in the provisions of this chapter
176 should be construed to mean that the operator of a

177 motorboat actually competing in a race or regatta
178 which is sanctioned by an appropriate government
179 shall not attempt to attain high speeds on a marked
180 racing course.

181 *Section 12. Traffic Rules.* — (A) Passing: When two
182 boats are approaching each other “head on” or nearly
183 so (so as to involve risk of collision), it shall be the duty
184 of each boat to bear to the right and pass the other
185 boat on its left side.

186 (B) Crossing: When boats approach each other
187 obliquely or at right angles, the boat approaching on
188 the right side has the right of way.

189 (C) Overtaking: One boat may overtake another
190 on either side, but must grant right of way to the
191 overtaken boat.

192 *Section 13. Traffic Lanes.* — (A) No person shall
193 so anchor a boat for fishing or other purposes on any
194 body of water over which the state has jurisdiction in
195 such a position as to obstruct a passageway ordinarily
196 used by other boats.

197 (B) No person shall operate a boat within a water
198 area which is clearly marked by buoys or some other
199 distinguishing device as a bathing or swimming area.

200 *Section 14. Overloading.* — No boat shall be loaded
201 with passengers or cargo beyond its safe carrying
202 capacity, taking into consideration weather and other
203 normal operating conditions.

204 *Section 15. Riding on Decks and Gunwales.* — No
205 person operating a motorboat shall allow any person to
206 ride or sit on either the starboard or port gunwales
207 thereof or on the decking over the bow of the vessel
208 while underway.

209 Nothing in this section shall be construed to mean
210 that passengers or other persons aboard a boat cannot
211 stand on the decking over the bow of the boat to moor
212 the boat to a mooring buoy or to cast off from such a
213 buoy, or for any other necessary purpose.

214 *Section 16. Mooring to Beacons.* — Any person
215 mooring any boat to any of the buoys or beacons placed

216 in any waterway by the authority of the United States
217 or by the authority of a commission or subdivision
218 thereof, or in any manner hanging on with a boat to
219 such buoy or beacon shall be guilty of a misdemeanor.

220 *Section 17. Intoxication.* — It shall be unlawful for
221 any person who is under the influence of intoxicating
222 liquor or narcotic drugs or barbital, or any person who
223 is a habitual user of same, to operate, propel or be in
224 actual physical control of any boat. It shall be unlawful
225 for the owner of any boat, or any person having such in
226 charge or in control, to authorize or knowingly permit
227 the same to be propelled or operated by any person who
228 is under the influence of intoxicating liquor, narcotic
229 drugs or barbital, or any person who is a habitual user
230 of same.

231 *Section 18. Accidents.* — The operator of any boat
232 involved in an accident resulting in injury or death to
233 any person or in damage to property shall immediately
234 stop such boat at the scene of such accident and shall
235 give his name, address, full identification of his boat and
236 the name and address of the owner to the person struck
237 or the operator or occupants of the boat collided with,
238 and shall render to any person injured in such an acci-
239 dent reasonable assistance, and shall report such
240 accident to the nearest or most convenient law en-
241 forcement agency or office.

242 *Section 19. Penalties.* — (A) Any person who shall
243 violate section twelve of this chapter shall be deemed
244 guilty of a misdemeanor, and on conviction thereof by
245 any court of competent jurisdiction shall be punished
246 by a fine not exceeding two thousand dollars or by im-
247 prisonment for a term not exceeding one year, or by
248 both such fine and imprisonment.

249 (B) Any person violating section four of this chapter
250 shall be punished by a fine not exceeding two hundred
251 dollars.

252 (C) Any person violating any section of this act
253 other than the two aforesaid shall be punished by a fine
254 not exceeding one hundred dollars.

1887
 THE NEW YORK PUBLIC LIBRARY
 ASTOR LENOX TILDEN FOUNDATION
 455 N. 5TH ST. N. Y. C.
 1887