

NASBLA MODEL ACT FOR SAFE PRACTICES FOR BOAT-TOWED WATERSPORTS

This act was originally adopted by the membership of the National Association of State Boating Law Administrators on Oct. 29, 2003. However, an original provision prohibiting the use of a tow rope of 20 feet or less would have precluded the popular sport of wake surfing. In response, during 2004, the NASBLA Committees on Law Enforcement and Boats and Associated Equipment revised the language and narrowed the act to apply to teak surfing and body surfing – water sports that pose potential dangers to the participant both because of proximity to the boat’s propeller and because of the possibility of carbon monoxide poisoning. The amended act was approved by the membership on Sept. 15, 2004.

In April 2005, the NASBLA Boats & Associated Equipment and Law Enforcement Committees reviewed proposed revisions to this model act as part of a larger NASBLA Model Act Review and Standardization Project, and subsequently approved this version.

In May 2007, the NASBLA Boats & Associated Equipment Committee added Section 6 [Operator Responsibility] to regulate the use of “kite tubes” and other towed devices that pose an extraordinary risk to users. The committee added the three feet limitation in Section 6 (c) because if the height one elevates exceeds half the beam of the boat it can theoretically rotate and dump person being towed.

Some states add a provision to this legislation requiring new vessels and used vessels when sold to have a carbon monoxide labels on the watercraft in order to better inform boaters of the dangers of carbon monoxide. The committee recommends those states which add this provision use American Boat and Yacht Council/National Marine Manufacturers standardized labels.

1 Section 1. [Short Title.] This act may be cited as the Safe Practices for Boat-Towed
2 Watersports Act.

1 Section 2. [Applicability.] The provisions of this act apply on all waters within the
2 jurisdiction of this state.

1 Section 3. [Definitions.] As used in this act:

2 (1) "Body surfing" means swimming or floating on one's stomach or on one's back on
3 or in the wake directly behind a motorboat that is underway.

4 (2). "Motorboat" means a recreational vessel propelled in whole or in part by
5 machinery, including a vessel temporarily equipped with a detachable engine.

6 (3) "Operate" means to navigate or otherwise control the movement of a vessel,
7 including control of the vessel’s propulsion system.

8 (4) "Teak surfing" or "platform dragging" means holding onto the swim platform, swim
9 deck, swim step, swim ladder, or any portion of the exterior of the transom of a
10 motorboat for any amount of time while the motorboat is underway at any speed.

11 (5) “Towed device” means an inflatable tube or other device designed to be sat or laid
12 upon with the rider having no inherent control over the device.

13 (6) “Underway” means the motorboat is on the water and not moored, anchored,
14 docked or aground.

15 (7) “Watersports” means activities that involve being towed by, or riding in the wake
16 of, a vessel such as, but not limited to, water skiing, wake boarding, wake surfing, and
17 tubing.

1 Section 4. [*Requirements.*]

2 (a) No person shall operate a motorboat or have the engine of a motorboat run idle
3 while a person is teak surfing, platform dragging, or body surfing behind the motorboat.

4 (b) No person shall operate a motorboat or have the engine of a motorboat run idle
5 while a person is occupying or holding onto the swim platform, swim deck, swim step, or
6 swim ladder of the motorboat.

1 Section 5. [*Exemptions.*] The provisions of this act do not apply when a person is
2 occupying the swim platform, swim deck, swim step, or swim ladder while assisting with
3 the docking or departure of the motorboat, while exiting or entering the motorboat, or
4 while the motorboat is engaged in law enforcement activity.

1 Section 6. [*Operator Responsibility.*]

2 (a) The boat operator shall be responsible for:

3 (1) the safe use of any inflatable towed device that has no inherent control measures
4 and,

5 (2) the passenger(s) on the device.

6 (b) No boat operator shall:

7 (1) Operate at speeds that exceed the safe towing speed identified on the inflatable
8 towed device or in the towed device owner’s manual.

9 (2) Operate with the number of riders on the inflatable towed device exceeding the
10 listed capacity on the inflatable towed device or owner’s manual.

11 (3) Operate in a manner that allows the inflatable towed device to rise more than three
12 feet above the water surface.

13 (4) Operate in a manner that allows the inflatable towed device to remain airborne for
14 more than three seconds.

15 (5) Operate with a tow rope that exceeds 65 feet in length.

1 Section 7. [*Penalty for Violation.*] A violation of this act constitutes a [insert offense
2 and penalty(ies)].

1 Section 8. [*Effective Date.*] [Insert effective date.]