



CITY OF MARLBOROUGH  
Marlborough, Massachusetts 01752

# Fort Meadow Commission

COMMONWEALTH OF MASSACHUSETTS  
REGULATION 323, Section 4.00



TOWN OF HUDSON  
Hudson, Massachusetts 01749

## THE OPERATION OF PERSONAL WATERCRAFT

### 4.01 Purpose and scope

The purpose and scope of 323 CMR 4.00 is to protect the public safety by establishing rules of conduct governing the operation of personal watercraft, by promoting voluntary compliance with the rules, and, when necessary, by deterring, through fines and penalties, noncompliance with the rules. The Division of Law Enforcement intends to improve, through the rules, the safe and appropriate use of personal watercraft.

### 4.02 Definitions

**DILIGENT** supervision shall require the supervising adult to be sufficiently close to the supervised person so as to visually oversee the operation of the personal watercraft.

**HEADWAY** speed shall mean the slowest speed at which a personal watercraft may be operated and maintain steerage way. To be considered operating at headway speed under these regulations the operator shall be either kneeling or sitting.

**PERSONAL** watercraft means a small vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by persons sitting, standing or kneeling on the vessel. The term includes but is not limited to a jet ski, wet bike, or surf jet, so-called.

### 4.03 Operation

- (1) **Minimum Age.** No person shall operate a personal watercraft if such person is
  - (a) Under the age of fourteen (14);
  - (b) Fourteen (14) or fifteen (15) years of age unless:
    1. he or she shall have been issued a safety certificate evidencing satisfactory completion of a training course in safe motorboat operation conducted by the U.S. Coast Guard Auxiliary, the U.S. Power Squadron, the Division of Law Enforcement, or such other entity approved in writing by the Director; and
    2. he or she is diligently supervised during operation.
- (2) **Supervision.** Parents of children under sixteen (16) years of age shall diligently supervise their children's operation of personal watercraft.
- (3) **Personal Floatation Device.** Any person aboard a personal watercraft shall wear at all times a Coast Guard approved personal floatation device of Type I, II, or III.
- (4) **Towing.** No person shall tow a water skier or a person in any other manner from a personal watercraft.
- (5) **Evening Operation.** No person shall operate a personal watercraft between the hours of sunset and sunrise, as determined by the chart set forth at 323, CMR 2.00, or when vision is unduly restricted by weather.
- (6) **Safe Operation.** No person shall operate a personal watercraft except in a safe and prudent manner, having due regard for other waterborne traffic, posted speed and wake restrictions. 323 CMR 4.00 et. seq., and all other attendant circumstances, so as not to endanger the life, limb or property of any other person.



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### 4.03 Operation - Continued

- (7) **Negligent Operation.** No person shall operate a personal watercraft in a negligent way. The following are prohibited as examples of negligent operation:
  - (a) Unreasonably jumping, or attempting to jump, the wake of another vessel;
  - (b) Following within one hundred and fifty (150) feet of a water skier;
  - (c) Weaving through congested vessel traffic;
  - (d) Speeding in restricted areas;
  - (e) Crossing unreasonably close to another vessel; and
  - (f) Operating a personal watercraft in such a manner that it endangers the life, limb or property of another person.
- (8) **Proximity.** Except as otherwise provided in 323 CMR 4.03 (10), no person shall operate a personal watercraft:
  - (a) Within one hundred and fifty (150) feet of shore except at a headway speed.
  - (b) Within one hundred and fifty (150) feet of a public bathing area; or
  - (c) Between one hundred and fifty (150) and three hundred (300) feet of a public bathing area except at headway speed;
  - (d) Within one hundred and fifty (150) feet of a swimmer in the water.
- (9) **Modification.** Except as otherwise provided in 323 CMR 4.03 (10), no person shall:
  - (a) Remove or modify the exhaust or muffler system of a personal watercraft; or
  - (b) Operate a personal watercraft so modified.
- (10) **Exceptions.**
  - (a) The provisions of 323 CMR 4.03 (7) (a) - (e) and 8 (a) - (d) shall not apply to a person performing in an event for which a permit has been issued in writing by the director.
  - (b) The provisions of 323 CMR 4.03 (8) (a) - (d) shall not apply in an area expressly designated in writing by the director or his designee as appropriate for personal watercraft operation.
- (11) **Automatic Cut-Off.** Every person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cut-off switch shall attach said lanyard to his person, clothing, or personal flotation device as is appropriate for the specific craft.

### 4.04 Rental of Personal Watercraft - Deleted from this page

### 4.05 Penalties.

- (1) For the purposes of M.G.L. c. 90B, s. 14, any violation of 323 CMR 4.03 (1) (2), (4), (5), (6), (7), or (8) shall be deemed a violation of M.G.L. c. 90B s. 8.
- (1) For the purposes of M.G.L. c. 90B, s. 14, any violation of 323 CMR 4.03 (3) shall be deemed a violation of M.G.L. c. 90B, s. 5A.

