

# HOUSE . . . . . No. 4489

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## The Commonwealth of Massachusetts

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HOUSE OF REPRESENTATIVES, March 21, 2024.

The committee on Transportation, to whom was referred the petition (accompanied by bill, House, No. 3362) of Kathleen R. LaNatra and others relative to boater safety, reports recommending that the accompanying bill (House, No. 4489) ought to pass.

For the committee,

WILLIAM M. STRAUS.

**HOUSE . . . . . No. 4489**

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**The Commonwealth of Massachusetts**

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

An Act relative to boater safety to be known as the Hanson Milone Act.

*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. Chapter 10 of the General Laws is hereby amended by inserting after  
2 section 35SSSthe following section: -

3           Section 35TTT. There shall be established on the books of the Commonwealth a Boater  
4 Safety Program Fund. Notwithstanding any general or special law to the contrary, there shall be  
5 credited to the fund: (i) the fees collected pursuant to section 9D of chapter 90B (ii) all fines,  
6 costs, forfeitures, expenses and interest imposed pursuant to sections 2 through 14, inclusive, and  
7 sections 36 and 38 of said chapter 90B or any regulation made thereunder; (iii) all fines issued  
8 pursuant to the fourth paragraph of section 10H of chapter 21A; (iv) any revenue from  
9 appropriations or other monies authorized by the general court and specifically designated to be  
10 credited to the fund; (v) any appropriation, grant, gift or other contribution made to the fund; and  
11 (vi) any income derived from the investment of amounts credited to the fund.

12           (b) The director of the office of law enforcement, as trustee, shall administer the fund. All  
13 amounts credited to the fund may be expended, without further appropriation, for use by the

14 office of law enforcement for the following purposes: (i) the development, administration and  
15 management of boater safety training, awareness and education programs relative to boater  
16 safety and safe operation of vessels; (ii) administering a paddlecraft safety and responsibility  
17 program; (iii) training of law enforcement personnel of the office of law enforcement in courses  
18 of instruction including, but not limited to: boat safety instructor training; vessel operation;  
19 search, rescue and recovery; boat accident investigations; underwater recovery training; boating  
20 under the influence and drug recognition expert training; and costs of any related equipment for  
21 administering said training; (iv) equipment required for the investigation of vessel accidents and  
22 any search and rescue or recovery made thereto; (vi) enforcement of statutes, regulations and  
23 policies applicable to the use of vessels; (vii) grants made by the office of law enforcement  
24 through competitive grant process to municipalities for the purposes of clause (i) and other vessel  
25 safety activities, including all direct and indirect costs of personnel or contractors of the office of  
26 law enforcement; provided, however, that the director of the office of law enforcement shall  
27 report annually, not later than January 15, to the house and senate committees on ways and  
28 means and the joint committees on environment, natural resources and agriculture, relative to the  
29 source and amount of funds deposited into the fund, the amount distributed and the purpose and  
30 recipient of expenditures from the fund.

31 (c) Monies deposited into the fund that are unexpended at the end of the fiscal year shall  
32 not revert to the general fund and shall be available for expenditure in subsequent fiscal years.

33 (d) Not less than 25 per cent of the monies deposited in the fund shall be expended on a  
34 fiscal year basis for the activities identified in clause (i), (ii) or (iii) of subsection (b) or for grants  
35 made pursuant to clause (v) of subsection (b) to fund the activities identified in clause (i) of  
36 subsection (b).

37 SECTION 2. Section 1 of chapter 90B of the General Laws, as appearing in the 2018  
38 Official Edition, is hereby amended by striking out the definitions of “Director” and “Division”  
39 inserting in place thereof the following definition:-

40 “Director”,—the director of law enforcement of the office of law enforcement, or  
41 authorized designee.

42 “Division”,—the office of law enforcement.

43 SECTION 3. Said section 1 of said chapter 90B, as so appearing, is hereby further  
44 amended by inserting after the definition of “Motorboat” the following definitions:-

45 “NASBLA”,—the national association of state boating law administrators.

46 “Office of law enforcement”,—the office of law enforcement in the executive office of  
47 energy and environmental affairs established under section 10A of chapter 21A, also known as  
48 the Massachusetts environmental police.

49 SECTION 4. Said Chapter 90B is hereby amended by inserting after section 9B the  
50 following sections:-

51 Section 9C. In sections 9D to 9E, inclusive, the following words shall, unless the context  
52 clearly requires otherwise, have the following meanings:

53 “Commercial fishing vessel”, any vessel, boat, ship or other watercraft designed,  
54 manufactured and used exclusively for the harvesting of fish, shellfish or crustaceans for  
55 purposes of sale, barter or exchange and shall include any vessel documented under the laws of  
56 the United States to carry passengers for hire exclusively to harvest fish, shellfish or crustaceans.  
57 Commercial fishing vessels shall include fishing trawlers, with or without shellfish dredges,

58 seine vessels, longline vessels, gillnet vessels, hydraulic shellfish dredges and lobster and  
59 shellfish vessels manufactured with pot hauler systems; provided, however, vessels designed and  
60 manufactured for recreational purposes in accordance with United States Coast Guard  
61 regulations, which are utilized for fishing purposes on a seasonal, part-time or occasional basis or  
62 which are utilized in a recreational manner at any time, shall be considered recreational vessels  
63 for the purposes of section 9D and shall not be considered a commercial fishing vessel.

64 “Motorboat”, a vessel propelled by machinery, whether or not such machinery is the  
65 principal source of propulsion.

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

67 “Operator”, any person who operates or has charge of the navigation or use of a  
68 motorboat or personal watercraft or as defined in M.G.L. Chapter 90B, inclusive.

69 “Other jurisdiction” or “another jurisdiction”, any other state, territory and the District of  
70 Columbia; any state, province or territory of Canada; or, any other foreign state or country.

71 “Person”, a natural person, for purposes of this law only, specifically excluding legal  
72 entities not natural persons.

73 “Personal watercraft”, for purposes of this law only, a water craft/vessel propelled by  
74 water jet pump or other machinery as its primary source of propulsion which is designed to be  
75 operated by a person sitting, standing or kneeling on the vessel rather than being operated vessel  
76 rather than being operated in the conventional manner by a person sitting or standing inside the  
77 vessel, and as shall be further defined in regulation established by the director.

78           Section 9D. (a) The director shall establish a boater safety education program for  
79 motorboat or personal watercraft operators The approved program shall be in general alignment  
80 with the standards set by a national boating safety organization such as NASBLA or similar  
81 national organization on boating safety, as approved by the director.

82           (b) The director may establish rules and regulations pertaining to such boater safety  
83 education program.

84           (c) A person shall be able to take the boater safety education program and examination  
85 online. for which there will be a \$10 “certification fee” paid to the Commonwealth. Upon the  
86 successful completion of the online boater safety education program and examination, the person  
87 shall be issued and may print a temporary boater safety certificate, , immediately or at a later  
88 time, with the original to be mailed by the provider thereafter. If a person does not pass the  
89 boater safety education examination on the first attempt, the person may take the examination an  
90 unlimited number of times until successfully completed.

91           (d) No person who was born on or after January 1, 1989 shall operate a motorboat or  
92 personal watercraft on the waters of the commonwealth unless the person complies with the  
93 boater safety educational requirements of this law. ;

94           (i) No person under the age of 12 shall operate a motorboat on the waters of the  
95 commonwealth, unless the person is accompanied onboard and directly supervised by a person  
96 18 years of age or older who holds a valid boater safety certificate, showing their qualification to  
97 operate motorboats pursuant to this law.

98           (f) No person 12 years of age or older shall operate a motorboat on the waters of the  
99 commonwealth, unless the person has onboard an original of a valid boater safety certificate;

100 provided, however, a person who does not hold a valid boater safety certificate may operate a  
101 motorboat if the person:

102 (i) is accompanied onboard and directly supervised by a person 18 years of age or older  
103 who has onboard a valid boater safety certificate showing their qualification to operate  
104 motorboats pursuant to this law

105 (ii) holds a valid merchant mariner credential, pursuant to 46 USC § 7510, as a vessel  
106 master or mate of any tonnage, operator of uninspected passenger vessel, launch operator's  
107 license or other similar license to captain a commercial vessel issued by the United States Coast  
108 Guard, or an equivalent type license issued by any state of the United States or foreign  
109 government; provided, the license is onboard when operating the vessel and available for  
110 inspection by a division law enforcement officer or has on board a printed self-certification  
111 evidencing such credentials;

112 (iii) is a non-resident, who is otherwise legally operating a motorboat on the waters of the  
113 commonwealth;

114 (iv) is an active member in the armed forces of the United States, National Guard or  
115 United States Coast Guard, and who is qualified to operate motorboats based on training or  
116 position in such branch or organization; provided, the person has onboard documentation  
117 showing their qualification;

118 (v) has within the past six months acquired ownership of a motorboat that is numbered by  
119 the commonwealth or documented by the United States Coast Guard and has onboard a valid  
120 temporary boater safety certificate to operate the vessel printed pursuant to this law;

121 (vi) is an operator of a motorboat rented in the commonwealth accordance with this law;

122 (vii) is an operator of a motorboat in a boater safety education course;

123 (viii) is the operator of a commercial fishing vessel; or

124 (ix) is a student attending an accredited secondary school, maritime school, college or  
125 university and is operating a motorboat in conjunction with a prescribed course of instruction and  
126 has evidence of same onboard.

127 (g) The boater safety education requirements and operator age requirements to operate  
128 motorboats under this section shall not apply when: (i) the vessel is operated by a division law  
129 enforcement officer or employee of a municipal fire department or the department of fire  
130 services in the performance of their official duties; (ii) the person is operating the motorboat in  
131 reasonable response to an onboard emergency including, but not limited to, when the operator or  
132 person supervising the operator pursuant to this section becomes incapacitated or physically  
133 unable to operate or supervise the operation of the vessel or in response to another vessel that has  
134 declared an emergency situation; (iii) the person is operating the motorboat under the direction of  
135 a division law enforcement officer; (iv) the vessel is a ship's lifeboat; (v) the vessel is the  
136 property of a branch of the armed forces of the United States, National Guard or United States  
137 Coast Guard, or is a military vessel of a foreign country; or (vi) the person operating the vessel is  
138 exempted pursuant to regulation or by waiver issued by the director.

139 (h) The division shall publish on its website: (i) all current laws and regulations  
140 applicable to the boater safety education requirements for motorboat operators;

141 (i) No person under the age of 16 shall operate a personal watercraft.



142 (j) An owner of a motorboat or other person 18 years of age or older, having custody or  
143 control of a motorboat, who knowingly permits a person under the age of 18, to operate the  
144 vessel in violation of this chapter, shall be held liable, jointly and severally with the operator, for  
145 any violations, damages or injuries caused by such operator's operation of the vessel and for any  
146 fines, penalties or restitution resulting therefrom. Lack of ownership of the vessel or mistake as  
147 to the age of the operator shall not be defenses in an action filed pursuant to this section.

148 Section 9E. (a) (i) The director may require self-certification of all boater safety  
149 education course providers who offer on-site boating safety examinations that proctored  
150 examination conditions are enforced. If a provider fails to provide a required self-certification,  
151 the director may bar the provider from providing boater safety education courses or  
152 examinations. Upon the successful completion of the examination by a person taking an on-site  
153 boating safety examination, the boater safety education course provider may arrange for an  
154 electronic copy of the successful certificate to be made available. Boater safety certificates issued  
155 pursuant to this section shall be in the form prescribed by the director.

156 (ii) Boater safety education certificates or similar documentation issued or authorized by  
157 another governmental jurisdiction shall be valid for the operation of a motorboat or personal  
158 watercraft in the commonwealth.

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

160 (v) Boater safety certificates issued pursuant to this section shall be valid for the lifetime  
161 of the person named on the certificate, except as otherwise provided by law, court judgement or  
162 administrative hearing conducted by the director or his designee. Any person authorized to  
163 enforce the provisions of chapter 90B pursuant to section 12 or the registrar of motor vehicles, ,

164 upon a showing of just cause, may petition the director to immediately suspend a boater safety  
165 certificate for emergency or immediate threat purposes. The director may immediately suspend  
166 or revoke a boaters safety certificate for such emergency or immediate threat for public safety  
167 purposes. Such request for emergency action shall be on forms prescribed by the director.

168 (b) A boater safety certificate or equivalent documentation possessed by a resident of the  
169 commonwealth who, prior to the passage of this act, had successfully completed a boater safety  
170 education course for motorboat operators shall be considered valid, if issued by: (i) the director;  
171 (ii) a course provider other than the director and previously approved by the director; or (iii)  
172 another governmental jurisdiction; provided, the certificate or documentation evidences the  
173 successful passage of a boating safety education course for motorboat operators and, when  
174 issued, met the standards of NASBLA or a reasonably equivalent entity as approved by the  
175 director or the United States Coast Guard.

176 (c) In the event the Massachusetts Environmental Police or other law enforcement find a  
177 person to be in operation of a vessel and not possessing the aforementioned documentary testing  
178 or certification requirements, the person shall be issued a warning ticket to cure the violation  
179 (“Ticket to Cure”). Said “Ticket to Cure” shall give the person 30 days to turn in certification  
180 paperwork, which shall either indicate a certification existed but was not onboard their vessel at  
181 the time of inspection, or that a certification was subsequently obtained within the 30-day period.

182 SECTION 5. On or before June 1, 2025, the director of law enforcement in the executive  
183 office

184 of energy and environmental affairs shall adopt regulations pursuant to this act and  
185 amend

186 regulations of the division that are inconsistent with this act.

187 SECTION 6. The provisions of Section 9B of Chapter 90B as amended by this act, and

188 any

189 Rules or regulations adopted thereunto, shall take effect on September 1, 2025 provided

190 however

191 that no operator of any motorboat or personal watercraft shall be assessed a penalty for a

192 violation of Section 9B of Chapter 90B of the General Laws until March 1, 2026.

193 SECTION 7. Section 1 of chapter 90B of the General laws, as appearing in the 2016

194 Official Edition, is hereby amended by inserting after the definition of “Boating accident” the

195 following definition:-

196 “Canoe”, a narrow, light boat, the sides of which meet in a point at each end, which is

197 moved by 1 or more paddles.

198 SECTION 8. Said section 1 of said chapter 90B, as so appearing, is hereby further

199 amended by inserting after the definition of “Jet skis” the following definition:-

200 “Kayak”, a lightweight boat that is covered, except for a single or double opening in the

201 center, which is propelled by a paddle.

202 SECTION 9. Said section 5A of said chapter 90B, as so appearing, is hereby further

203 amended by inserting in the first sentence after the word “vessel” the following:-

204 “including canoes and kayaks”

205 SECTION 10. Said chapter 90B is hereby further amended by inserting after section 13A  
206 the following section:--

207 Section 13B. Whoever holds himself out as a kayak instructor for hire shall obtain and  
208 maintain:

209 (i) first aid training approved by the department of public health;

210 (ii) cardiopulmonary resuscitation training approved by the department of public health;

211 and

212 (iii) a kayak instructor certification from the American Canoe Association, small craft  
213 safety certification from the American Red Cross and basic water rescue or equivalent water  
214 training.

215 The instructor shall train students on the safety procedures appropriate to the level of  
216 paddling difficulty. Wet exit training shall be required of all beginners and novice level operators  
217 who use an attached spray skirt during any part of the kayak instructional session. For the  
218 purposes of this section, "wet exit training" shall mean the practice of escaping from a capsized  
219 kayak in a controlled water setting. A liability release that limits an instructor's responsibility to  
220 comply with this section shall be void.