

HOUSE No. 4941

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. Section 1 of chapter 90B of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the definition of “Boating accident” the
3 following definition:-

4 “Canoe”, a narrow, light boat, the sides of which meet in a point at each end, and which
5 is moved by 1 or more paddles.

6 SECTION 2. Said section 1 of said chapter 90B, as so appearing, is hereby further
7 amended by striking out the definitions of “Director” and “Division” and inserting in place
8 thereof the following 2 definitions:-

9 “Director”, the director of law enforcement of the office of law enforcement, or an
10 authorized designee.

11 “Division”, the office of law enforcement, established pursuant to section 10A of chapter
12 21A.

13 SECTION 3. Said section 1 of said chapter 90B, as so appearing, is hereby further
14 amended by inserting after the definition of “Jet skis” the following definition:-

15 “Kayak”, a lightweight boat that is covered, except for a single or double opening in the
16 center, and which is propelled by a paddle.

17 SECTION 4. Said section 1 of said chapter 90B, as so appearing, is hereby further
18 amended by inserting after the definition of “Motorboat” the following 2 definitions:-

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

20 “Office of law enforcement”, the office of law enforcement in the executive office of
21 energy and environmental affairs, established pursuant to section 10A of chapter 21A, also
22 known as the Massachusetts environmental police.

23 SECTION 5. Said section 1 of said chapter 90B, as so appearing, is hereby further
24 amended by adding the following definition:-

25 “Wet exit training”, the practice of escaping from a capsized kayak in a controlled water
26 setting.

27 SECTION 6. Section 5A of said chapter 90B, as so appearing, is hereby amended by
28 inserting after the word “vessel”, in line 1, the following words:-, including canoes and kayaks,.

29 SECTION 7. Said chapter 90B is hereby further amended by inserting after section 9B
30 the following 4 sections:-

31 Section 9C. As used in sections 9D to 9G, inclusive, the following words shall, unless the
32 context clearly requires otherwise, have the following meanings:

33 “Another jurisdiction”, any other state, territory and the District of Columbia; any state,
34 province or territory of Canada; or any other foreign state or country.

35 “Commercial fishing vessel”, any vessel, boat, ship or other watercraft designed,
36 manufactured and used exclusively for the harvesting of fish, shellfish or crustaceans for
37 purposes of sale, barter or exchange and shall include any vessel documented under the laws of
38 the United States to carry passengers for hire exclusively to harvest fish, shellfish or crustaceans.
39 Commercial fishing vessels shall include fishing trawlers, with or without shellfish dredges,
40 seine vessels, longline vessels, gillnet vessels, hydraulic shellfish dredges and lobster and
41 shellfish vessels manufactured with pot hauler systems; provided, however, that vessels designed
42 and manufactured for recreational purposes in accordance with United States Coast Guard
43 regulations, which are utilized for fishing purposes on a seasonal, part-time or occasional basis or
44 which are utilized in a recreational manner at any time, shall be considered recreational vessels
45 for the purposes of section 9D and shall not be considered commercial fishing vessels.

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

47 “Person”, a natural person; provided, that “person” shall not include legal entities that are
48 not natural persons, including, but not limited to, corporations, societies, associations and
49 partnerships.

50 “Personal watercraft”, a vessel propelled by water jet pump or other machinery as its
51 primary source of propulsion and which is designed to be operated by a person sitting, standing
52 or kneeling on the vessel rather than being operated in by a person sitting or standing inside the
53 vessel, and which shall be further defined in regulation established by the director.

54 Section 9D. (a)(1) The director shall establish a boater safety education program for
55 motorboat and personal watercraft operators. The program shall align with the standards set by
56 NASBLA or a similar national organization on boating safety, as approved by the director.

57 (2) To complete the boater safety education program and be issued a valid boater safety
58 certificate a person shall successfully complete an examination.

59 (3) Boater safety certificates issued pursuant to this section shall be in a form prescribed
60 by the director.

61 (4) Boater safety certificates shall be valid for the lifetime of the person named on the
62 certificate, except as otherwise provided by law, court judgement or administrative hearing
63 conducted by the director or a designee.

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

65 (c)(1) The boater safety education program and examination shall be available online, for
66 which there shall be a \$10 certification fee paid to the commonwealth. Upon the successful
67 completion of the online boater safety education program and examination, the person shall be
68 immediately issued a printable, temporary boater safety certificate; provided, that the director or
69 the program provider shall mail an original boater safety certificate to the person thereafter.

70 (2) The director may require self-certification of all boater safety education course
71 providers who offer on-site boating safety examinations that proctored examination conditions
72 are enforced. If a provider fails to provide a required self-certification, the director may bar the
73 provider from providing boater safety education courses or examinations.

74 (3) If a person does not pass the boater safety education examination on the first attempt,
75 the person may take the examination an unlimited number of times until the examination is
76 successfully completed.

77 (4) Upon the successful completion of the examination by a person taking an on-site
78 boating safety examination, the boater safety education course provider may arrange for an
79 electronic copy of the successful certificate to be made available.

80 (d) The director may establish rules and regulations pertaining to the boater safety
81 education program and examination.

82 Section 9E. (a)(1) No person who was born on or after January 1, 1989 shall operate a
83 motorboat or personal watercraft on the waters of the commonwealth unless the person complies
84 with the boater safety educational requirements pursuant to section 9D and has on board an
85 original valid boater safety certificate; provided, that a person shall not be required to hold a
86 boater safety certificate if the person:

87 (i) is accompanied onboard and directly supervised by a person 18 years of age or older
88 who has on board a valid boater safety certificate;

89 (ii) holds a valid merchant mariner credential, pursuant to 46 USC § 7510, as a vessel
90 master or mate of any tonnage, operator of uninspected passenger vessel, launch operator's
91 license or other similar license to captain a commercial vessel issued by the United States Coast
92 Guard, or an equivalent type license issued by any state of the United States or foreign
93 government; provided, that the license shall be on board when operating the vessel and available
94 for inspection by a division law enforcement officer or the person has on board a printed self-
95 certification evidencing such credentials;

96 (iii) is a non-resident, who is otherwise legally operating a motorboat on the waters of the
97 commonwealth consistent with paragraph (2);

98 (iv) is an active member in the armed forces of the United States, National Guard or
99 United States Coast Guard and who is qualified to operate motorboats based on training or
100 position in such branch or organization; provided, that the person has on board documentation
101 showing their qualification;

102 (v) has within the past 6 months acquired ownership of a motorboat that is numbered by
103 the commonwealth or documented by the United States Coast Guard and has onboard a valid
104 temporary boater safety certificate to operate the vessel printed pursuant to subsection (c) of
105 section 9D;

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

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

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

109 (ix) is a student attending an accredited secondary school, maritime school, college or
110 university and is operating a motorboat in conjunction with a prescribed course of instruction and
111 has evidence of the same on board.

112 (2) Boater safety education certificates or similar documentation issued or authorized by
113 another jurisdiction shall be valid for the operation of a motorboat or personal watercraft as
114 determined by the director.

115 (b) Notwithstanding subsection (a), no person under the age of 12 shall operate a
116 motorboat on the waters of the commonwealth unless the person is accompanied on board and

117 directly supervised by a person 18 years of age or older who holds a valid boater safety
118 certificate.

119 (c) No person under the age of 16 shall operate a personal watercraft.

120 (d) The boater safety education requirements pursuant to section 9D and operator age
121 requirements to operate motorboats shall not apply when: (i) the vessel is operated by a division
122 law enforcement officer or employee of a municipal fire department or the department of fire
123 services in the performance of their official duties; (ii) the person is operating the motorboat in
124 reasonable response to an onboard emergency, including, but not limited to, if the operator or
125 person supervising the operator pursuant to this section becomes incapacitated or physically
126 unable to operate or supervise the operation of the vessel or in response to another vessel that has
127 declared an emergency situation; (iii) the person is operating the motorboat under the direction of
128 a division law enforcement officer; (iv) the vessel is a ship's lifeboat; (v) the vessel is the
129 property of a branch of the armed forces of the United States, the National Guard or the United
130 States Coast Guard or is a military vessel of a foreign country; or (vi) the person operating the
131 vessel is exempted pursuant to regulation or by waiver issued by the director.

132 (e)(1) An owner of a motorboat or other person 18 years of age or older, having custody
133 or control of a motorboat, who knowingly permits a person under the age of 18 to operate the
134 vessel in violation of this section, shall be held liable, jointly and severally with the operator, for
135 any violations, damages or injuries caused by such operator's operation of the vessel and for any
136 fines, penalties or restitution resulting therefrom.

137 (2) Lack of ownership of the vessel or mistake as to the age of the operator shall not be
138 defenses in an action filed pursuant to this section.

139 (g) The director shall promulgate regulations for the administration of this section. The
140 division shall publish on its website all current laws and regulations applicable to the boater
141 safety education requirements for motorboat operators.

142 Section 9F. In the event the office of law enforcement or other law enforcement agency
143 finds a person to be in operation of a vessel and not possessing the boater safety certificate
144 required by section 9E, the person shall be issued a warning ticket to cure the violation. The
145 ticket to cure shall grant the person 30 days to provide the director with certification paperwork,
146 which shall either indicate a certification existed but was not onboard the vessel at the time of
147 inspection, or that a certification was subsequently obtained within the 30-day period.

148 Section 9G. Any person authorized to enforce this chapter pursuant to section 12 or the
149 registrar of motor vehicles, upon a showing of just cause, may petition the director to
150 immediately suspend a boater safety certificate for emergency or immediate threat purposes. The
151 director may immediately suspend or revoke a boater safety certificate for such emergency or
152 immediate threat for public safety purposes. Such request for emergency action shall be on a
153 form prescribed by the director.

154 SECTION 9. Said chapter 90B is hereby further amended by inserting after section 13A
155 the following section:-

156 Section 13B. (a) Whoever holds themselves out as a kayak instructor for hire shall obtain
157 and maintain: (i) first aid training certification approved by the department of public health; (ii)
158 cardiopulmonary resuscitation training approved by the department of public health; and (iii) a
159 kayak instructor certification from the American Canoe Association, a small craft safety
160 certification from the American Red Cross and basic water rescue or equivalent water training.

161 (b) The instructor shall train students on the safety procedures appropriate to the level of
162 paddling difficulty. Wet exit training shall be required of all beginners and novice level operators
163 who use an attached spray skirt during any part of the kayak instructional session. A liability
164 release that limits an instructor's responsibility to comply with this section shall be void.

165 SECTION 10. A boater safety certificate or equivalent documentation possessed by a
166 resident of the commonwealth who, prior to the effective date of this act, had successfully
167 completed a boater safety education course for motorboat operators shall be considered valid, if
168 issued by: (i) the director; (ii) a course provider other than the director and previously approved
169 by the director; or (iii) another governmental jurisdiction; provided, that the certificate or
170 documentation shall evidence the successful passage of a boating safety education course for
171 motorboat operators and, when issued, met the standards of the national association of state
172 boating law administrators or a reasonably equivalent entity as approved by the director or the
173 United States Coast Guard.

174 SECTION 11. On or before June 1, 2025, the director of law enforcement in the
175 executive office of energy and environmental affairs shall adopt regulations pursuant to this act
176 and amend regulations of the division that are inconsistent with this act.

177 SECTION 12. Sections 9D to 9G, inclusive, of chapter 90B of the General Laws shall
178 take effect on September 1, 2025; provided, however, that no operator of any motorboat or
179 personal watercraft shall be assessed a penalty for a violation of said section 9B of said chapter
180 90B until March 1, 2026.