

ABCs of California Boating Law

Presented as part of the
United States Power Squadrons
Boat Smart Class

Introduction

- California Boating Law applies to the operation of vessels on all waters within territorial limits, including coastal waters. It does not replace the United States Coast Guard and other federal regulations in force on federally navigable waters, but is in general conformity with these laws.
- This booklet is based upon the California Harbors and Navigation Code, Vehicle Code, Penal Code and the California Code of Regulations but does not include all provisions of law pertaining to boating.

Preparation

- Weather -
 - Local radio stations
 - National Weather Radio Broadcasts
 - 162.400 MHz
 - 162.475 MHz
 - 162.550 MHz
 - Storm Advisories
 - Flag hoists and/or lights
 - No longer displayed at Coast Guard stations

California Uniform State Waterway Marking System

- Examples - page 7
- Employs buoys and signs
- Buoys similar to Federal
- Signs (markers) are white with black letters and orange borders signifying speed zones, restricted areas, danger areas and general information

Operational Law

- Peace Officers
 - Any political subdivision (state, county, city, harbor district or other)
 - Empowered to
 - Stop and board any vessel
 - Order to shore any unsafe vehicle
- Any vessel being overtaken by law enforcement vessel with siren or blue light should immediately slow
- Approaching a stationary law enforcement vessel, slow and proceed past area

Operational Law continued

- Stolen Numbered Vessels
 - Immediately notify local authorities
 - If recovered, also notify authorities
- County and City Laws and Ordinances
 - Restrict activities in certain areas
 - Prohibit certain acts at certain times
 - Establish additional requirements

Operational Law Continued

- Age Restrictions
 - Under 16 may
 - Operate a motorboat with up to 15 hp
 - Operate up to 30' sailboat and dingy between shore and moored vessel or between moored vessels
 - Between 12 and 15 with direct 18 or older supervision may operate motorboat with more than 15 hp and over 30' sailboat
- Violation is an infraction

Operational Law Continued

- Speed
 - 5 mph when within
 - 100' of bather or
 - 200' of bathing beach, swimming float, diving platform or life line, passenger landing in use or landing with boats
 - Safe speed
 - action can be taken to avoid collision
 - stop within appropriate distance
 - In restricted visibility
 - be able to stop within half the visibility distance

Operational Law continued

- Reckless or Negligent Boat Operation
 - Operation of vessel, water ski, aquaplane or similar device so as to endanger life limb or property
 - Riding where not protected by railing
 - Maneuvering to pass a towline over another vessel or skier
 - Passing between a tow vessel and its tow
 - Operating under the influence
 - Speeding in restricted area
 - Buzzing or wetting down

Operational Law continued

- Reckless or Negligent Boat Operation cont.
 - Skiing in restricted area or time
 - Hit and run: Conviction of leaving accident with injury, death or disappearance, can be fined up to \$10,000 or up to one year imprisonment, or both.

Operational Law continued

- Operating a Boat While Intoxicated
 - 39 % of fatal boating accidents involve alcohol
 - Do not operate any vessel, water ski or similar device while under the influence or addicted
 - 21 and older: 0.08% or 0.05% plus other evidence
 - Under 21: 0.01%
 - Refusal to take a chemical test can receive up to \$1000 fine and 6 months in jail if convicted

Operational Law continued

- Operating a Boat While Intoxicated Cont.
 - Conviction of operating a boat while intoxicated can result in up to 5 years drivers license suspension and up to \$1000 fine

Operational Law continued

- Court-Ordered Safe Boating Course
 - Moving violation convictions:
 - First time - **may** be ordered to complete and pass
 - Second time within 7 years - **must** take and pass a course
 - Conviction of operating a motorboat under the influence: **must** take DBW approved course

Operational Law continued

- Personal Watercraft Operation
 - PWC: vessel under 12 ft in length, propelled by machinery, by person standing, sitting or kneeling “on” the vessel (vice “inside”)
 - Lanyard cutoff attached to operator
 - Self-Circle device prohibited if altered
 - Not operate from half hour after sunset until half hour before sunrise

Operational Law continued

- Personal Watercraft Operation continued
 - Infraction for under 16 to operate boat with more than 15 horsepower; permitter is guilty also
 - 12 - 15 may operate over 15 hp if directly supervised by 18 or older
 - Reasonable and prudential operation
 - Same as for boat
 - Jumping wake within 100 ft of vessel
 - Close approach and spraying
 - Close approach and sudden maneuver to avoid

Operational Law continued

- Water-Skiing
 - Observer at least 12 in boat
 - Sunset to sunrise prohibited; plus local restrictions
 - May not endanger persons or property
 - Passing line over another vessel or person
 - Navigating between vessel and skier
 - No special privileges, observe rules of road
 - Contrary to book: skiers must wear PFD (new in 2001)

Operational Law continued

- Water-Ski Flag
 - Mandatory to display red or orange flag
 - Downed skier
 - Skier preparing to ski
 - Ski line in water
 - Ski in the water near vessel
 - Minimum 12” on each side
 - Display does not restrict use of water
 - Boaters operating in area should use caution

Operational Law continued

- Diving: 2 types - free and restricted
 - Restricted: Display at least 1 m Alpha code flag (blue and white swallow tail)
 - Free: May display Diver Down flag (red rectangle with white diagonal stripe)
 - Does not restrict use of the water
 - Boaters should use caution

Accident Reporting

- Boat operators involved in an accident must:
 - Provide name, address and vessel registration number to involved parties
 - Provide assistance to injured persons
 - In case of death, report immediately to law enforcement officials
 - File report with DBW
 - Within 48 hours if injury, death or disappearance
 - Within 10 days for all other incidents where required
 - Failure to comply: \$1000 fine or 6 mos. prison or both

New PFD Law (as of 1/1/01)

- For children age 6 and under:
 - Must wear Coast Guard approved Type I, II or III PFD
 - Onboard boat 26” and less while underway
 - Infraction - fine up to \$250
 - Exceptions if kids are
 - Tethered on a sailboat
 - In an enclosed cabin

Registration

- Most vessels even if moored and not used
- Exceptions
 - Propelled manually
 - 8' or less if propelled by sail
 - Public agencies
 - Coast Guard documented
 - Foreign vessels
 - Lifeboats
 - Registered in another state, not in Cal. > 90 days
 - Sailboards

How to Register

- Any DMV
 - Provide fees and information
 - Receive
 - Certificate of Number - keep on boat
 - Certificate of Ownership - store in safe place
 - Registration Stickers - attach near bow
 - Subject to Use Tax

Registration Fees

- Annual charges
 - Vehicle License Fee (trailer) - DMV
 - Personal Property Tax - County
- Biennial charges
 - Renewal of Registration - DMV

Display of Numbers and Stickers

- Each side of forward half of vessel where easily seen
- On non-removable portion of PWC hull
- May be painted or attached to a plate
- Do not use outline, border, trim or shading
- Must be at least 3” tall, block letters and high contrast to background
- Space between prefix, number and suffix
- Nothing near state assigned designation

Notification Requirements

- Notify DBW if:
 - Vessel is destroyed or abandoned
 - within 15 days
 - with Certificates of Number and Ownership
 - Owner's address changes
 - within 15 days
 - Vessel is sold
 - within calendar days
 - provide date of sale, vessel description and name and address of new owner