

# *the* **HANDBOOK!**

## OF DELAWARE BOATING LAWS AND RESPONSIBILITIES



2011 Edition

# NOW!

Delaware boaters have two ways to become certified in boating safety. By becoming certified you will have a safer, more enjoyable experience on the water and you can save money on boat insurance.

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### **James Graybeal**

**Chief of Law Enforcement**

**302-739-9913**

### **Sgt. Gregory L. Rhodes**

**Office of Boating Education**

**302-739-9915**

### **Vicki Rhodes**

**Boat Registration**

**302-739-9916**

### **Enforcement County Field Offices**

**New Castle Co. 302-739-6139**

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and  
RESPONSIBILITIES**



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## What You Can Do For Homeland Security

- ◆ Violators of the restrictions below can expect a quick and severe response.
  - Do not approach within 100 yards and slow to minimum speed within 500 yards of any U.S. Naval vessel. If you need to pass within 100 yards of a U.S. Naval vessel for safe passage, you must contact the U.S. Naval vessel or the U.S. Coast Guard escort vessel on VHF-FM channel 16.
  - Observe and avoid all security zones. Avoid commercial port operation areas, especially those that involve military, cruise-line, or petroleum facilities.
  - Observe and avoid other restricted areas near dams, power plants, etc.
  - Do not stop or anchor beneath bridges or in the channel.
- ◆ Keep a sharp eye out for anything that looks peculiar or out of the ordinary. Report all activities that seem suspicious to the local authorities, the U.S. Coast Guard, or the port or marina security.

## Stay up to date on new boating laws!

This handbook is a guide to Delaware's boating laws for recreational boaters.



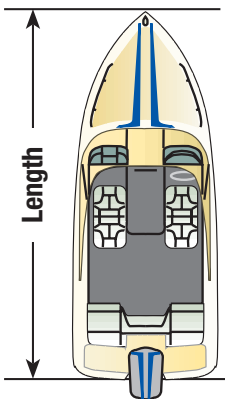
- ◆ To stay abreast of new boating laws, call the Delaware Division of Fish and Wildlife Enforcement at **302-739-9915** or log on to **[www.fw.delaware.gov/Boating/Pages/Delaware\\_Boating\\_Safety.aspx](http://www.fw.delaware.gov/Boating/Pages/Delaware_Boating_Safety.aspx)**
- ◆ For federal boating laws, visit the U.S. Coast Guard's boating safety website: **[www.uscgboating.org](http://www.uscgboating.org)**

Before going out on the water, take steps to make the outing safe and enjoyable.

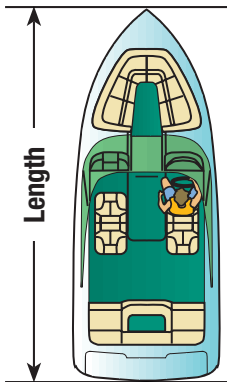
## Vessel Length Classes

- ◆ A vessel's length class dictates the equipment necessary to comply with federal and state laws.
- ◆ Vessels have four length classes:
  - Class A: Less than 16 feet
  - Class 1: 16 feet to less than 26 feet
  - Class 2: 26 feet to less than 40 feet
  - Class 3: 40 feet and over.
- ◆ Length is measured from the tip of the bow in a straight line to the stern. This does not include outboard motors, brackets, rudders, bow attachments, or swim platforms and ladders not a molded part of the hull.

**Outboards**



**Inboards**



## Vessel Capacity

- ◆ Always check the capacity plate, which is usually found near the operator's position or on the vessel's transom. This plate indicates the maximum weight capacity and maximum number of people that the vessel can carry safely.
- ◆ Personal watercraft (PWCs) and some other vessels are not required to have a capacity plate. Always follow the recommended capacity in the owner's manual and on the manufacturer's warning decal.
- ◆ Fisherman and hunters who have extra gear need to be especially careful not to load their vessels beyond the stated capacity. Small vessels can easily capsize if overloaded.

<p><b>MAXIMUM CAPACITIES</b></p> <p><b>7 PERSONS OR 1050 LBS.</b>  <b>1400 LBS. PERSONS, MOTORS, GEAR</b>  <b>130 H. P. MOTOR</b></p> <p><b>THIS BOAT COMPLIES WITH U.S. COAST GUARD SAFETY STANDARDS IN EFFECT ON THE DATE OF CERTIFICATION</b>  <b>ABC BOATS</b>  <b>XYZ MANUFACTURING, INC.</b>  <b>ANYWHERE, USA 99999</b></p>
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## File a Float Plan

Before going out on a vessel, it is always a good idea to leave a float plan with a relative or friend, or at least with a local marina. A float plan should:

- ◆ Describe the vessel, including its registration number, length, make, horsepower, and engine type.
- ◆ State where you are going, the detailed route, your planned departure time, and your expected return time.
- ◆ Give the name, address, and telephone number of each person on board and an emergency contact.

**FLOAT PLAN**

Complete this form before going out on your boat and leave it with a reliable person who can be depended upon to notify the Coast Guard or other rescue organization in case you do not return as scheduled. Do not file this form with the Coast Guard. A word of caution: In case you are delayed and it is not an emergency, inform those with your float plan, the police, and/or Coast Guard of your delay in order to avoid an unnecessary search!

- Name of person filing this plan: \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_
- Description of boat: \_\_\_\_\_  
Registration number: \_\_\_\_\_  
Color: \_\_\_\_\_ Trim: \_\_\_\_\_
- Names of persons on board: \_\_\_\_\_  
Age: \_\_\_\_\_ Address: \_\_\_\_\_ Type: \_\_\_\_\_ Length: \_\_\_\_\_ Horsepower: \_\_\_\_\_  
Make: \_\_\_\_\_ Name: \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_  
Telephone #: ( ) \_\_\_\_\_
- Description of engine: Type: \_\_\_\_\_ Horsepower: \_\_\_\_\_ # of engines: \_\_\_\_\_ Fuel capacity: \_\_\_\_\_
- Survival equipment on board. Check as appropriate: ☐ Life jackets (PFDs) ☐ Flares ☐ Flashlight ☐ Signal mirror ☐ EPIRB ☐ Bail or dinghy ☐ Anchor(s) ☐ Food
- Radio: ☐ Yes ☐ No Type: \_\_\_\_\_ Frequencies: \_\_\_\_\_ Call sign: \_\_\_\_\_
- Trip expectations  
Leaving from: \_\_\_\_\_  
Departing on: \_\_\_\_\_ day \_\_\_\_\_ date \_\_\_\_\_  
Returning: \_\_\_\_\_ day \_\_\_\_\_ date \_\_\_\_\_  
Avt. is no event, returning later than: \_\_\_\_\_ day \_\_\_\_\_ date \_\_\_\_\_
- Other pertinent information: \_\_\_\_\_
- Description of automobile: \_\_\_\_\_  
Make: \_\_\_\_\_ Color: \_\_\_\_\_ License #: \_\_\_\_\_ Trailer license #: \_\_\_\_\_  
U.S. Coast Guard telephone #: ( ) \_\_\_\_\_ Where parked: \_\_\_\_\_  
Local authority: \_\_\_\_\_ Telephone #: ( ) \_\_\_\_\_

## Fueling a Vessel

Never fuel at night unless it is an emergency. If you must refuel after dark, use only electric lights. Try to refuel away from the water or on a commercial fueling ramp.

### ◆ Before beginning to fuel:

- Dock the boat securely and ask all passengers to exit.
- Do not allow anyone to smoke or strike a match.
- Check all fuel lines, connections, and fuel vents.
- Turn off anything that might cause a spark—engines, fans, or electrical equipment.
- Shut off all fuel valves and extinguish all open flames, such as galley stoves and pilot lights.
- Close all windows, ports, doors, and other openings to prevent fumes from entering the boat.
- Remove portable fuel tanks and fill them on the dock.

### ◆ While filling the fuel tank:

- Keep the nozzle of the fuel-pump hose in contact with the tank opening to prevent producing a static spark.
- Avoid spilling fuel into the boat's bilge or the water.
- Never fill a tank to the brim—leave room to expand.

### **The most important safe fueling practice ...**

If your vessel is equipped with a power ventilation system, turn it on for at least four minutes after fueling and before starting your engine to remove gas vapors in the bilge.

### ◆ After fueling:

- Wipe up any spilled fuel.
- Open all windows, ports, doors, and other openings.
- Avoid spills when fueling in or near the water.

## Additional Safety Procedures for PWCs

- ◆ Do not tip the PWC in order to fill it all the way up. If the tank is overfilled, the fuel may expand and spill into the water.
- ◆ After fueling, open the door of the engine compartment and sniff to check for any evidence of gas fumes. Do this before starting the engine. If you do smell gas fumes, determine the source and make repairs immediately.



## Trailer Your Vessel Safely

Follow these safety practices if trailering your vessel.

### Have the Right Trailer for Your Vessel

- ◆ The combined weight of the vessel and engine should not exceed 90% of the trailer's load capacity.
- ◆ Make sure that your vehicle is rated to tow the combined weight of your vessel, engine and trailer and your engine and transmission are adequate for pulling the load.
- ◆ The coupler size must match the size of the ball hitch. Never use a ball hitch that is too small.
- ◆ Tongue weight should be 7% - 10% of the combined weight of the vessel and trailer. Too much tongue weight causes "tail dragging" of the towing vehicle. Too little tongue weight causes the trailer to sway.
- ◆ Trailers should be equipped with two strong safety chains, securely connected to the towing vehicle.
- ◆ Surge brakes, activated when your vehicle decelerates, are common on trailers for moderately heavy vessels. For heavier loads, electric brakes should be considered.

### Before Leaving Home

- ◆ Secure all gear in the vessel firmly and arrange it so the weight is evenly distributed in the vessel.
- ◆ Properly secure the vessel with several tie-down straps and/or safety lines to prevent it from shifting. Never trust the bow winch alone to hold your vessel.
- ◆ Inspect all lines, tie-downs and the winch. Tighten as necessary. Replace those that show signs of wear.
- ◆ Tilt and secure the boat engine to increase clearance.
- ◆ Crisscross the safety chains when attaching them to the towing vehicle. The chains should have a breaking strength of no less than the combined weight of the vessel, engine and trailer.
- ◆ Check couplings frequently and grease the bearings.
- ◆ Make sure the trailer brakes and lights are working.



## On the Road

- ◆ Think farther ahead on the road than usual:
  - Anticipate changes in traffic flow in advance.
  - Steer wider on corners and curves to clear curbs.
  - Allow extra time and a greater distance for stopping.
  - Remember the length added by your trailer.
- ◆ On long trips, pull over periodically to check the rigging, tires and bearings.
- ◆ Be aware that there may be lower speed limits for vehicles with trailers.

## Launching Your Vessel from a Trailer

- ◆ Prepare your vessel well away from the boat ramp:
  - Transfer all equipment and supplies to the vessel.
  - Disconnect trailer lights from the towing vehicle.
  - Remove all tie-downs except the winch line.
  - Make sure your drain plug is placed in the drain hole.
  - Tie a line to the bow for control while launching.
- ◆ Initially back the vessel into the water until the lower unit can be lowered and submerged while on the trailer.
  - Set the parking brake on the towing vehicle (or first gear if a manual transmission) after backing down.
  - Lower the engine or outdrive, and start the engine. If you have problems, you can retrieve the vessel easily.
- ◆ Once the engine is warmed up, back the trailer further until the vessel floats. Undo the winch line, put the vessel's engine in reverse and back slowly off the trailer.



## Retrieving Your Vessel

- ◆ Back the trailer into the water so that approximately two-thirds of the rollers or bunks are submerged in the water. Set the parking brake of the towing vehicle, and put it in park (or first gear if a manual transmission).

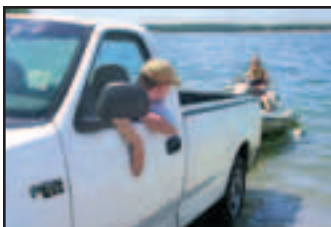


- ◆ Move the vessel onto the trailer far enough to attach the winch line to the bow eye of the vessel. Finish pulling the vessel onto the trailer by cranking the winch. Make certain that:
  - The strap or cable is in excellent condition.
  - No one is in direct line with the cable or strap, in case it breaks and snaps back. If the winch is hand-cranked, be sure the ratchet is engaged.
- ◆ Shut off the engine and raise the engine or outdrive.
- ◆ Pull the vessel out of the water and off the ramp well out of the way of others.
- ◆ While still at the ramp area, remove and dispose of all weeds from the vessel and trailer; remove the drain plug to release bilge water, and drain any live wells.
- ◆ Secure items inside the vessel.
- ◆ Reattach tie-downs and plug in the trailer lights. Check to see that the trailer lights are working before departing.

## Courtesy on the Boat Ramp

Boat ramp traffic jams can be prevented if everyone practices common courtesy at the ramp. Be sure you observe these simple courtesies:

- ◆ Prepare your vessel for launching away from the ramp.
- ◆ Use at least two experienced people to launch and retrieve the vessel—one to drive the towing vehicle and one to operate the vessel.
- ◆ Never block a ramp with an unattended vessel or vehicle. Move the vessel away from the launch lane immediately after removing it from the trailer.
- ◆ When retrieving, do not pull your vessel into a launch lane until your vehicle is at the ramp. The line is formed by vehicles with trailers, not by vessels in the water.
- ◆ After retrieving your vessel from the water, pull it out away from the ramp before preparing the vessel for the drive home.



## Be a Responsible Operator or Owner

Along with the privilege of boating comes responsibilities.

- ◆ Before departing, discuss with your passengers:
  - Locations of safety equipment.
  - The need for each passenger to wear a PFD.
  - Laws about reckless operation, waste disposal, etc.
  - Safety procedures and how to signal for help.
  - Risks of consuming alcohol.
- ◆ Before allowing others to operate your boat or PWC make sure they:
  - Meet the minimum age and education requirements.
  - Know basic boating safety and navigation rules.
  - Use the lanyard of the ignition safety switch.
  - Understand the importance of obeying “idle speed” or “slow-no wake” restrictions.
  - Understand the need for staying alert.
  - In addition, if allowing someone to drive your PWC:
    - Let them know that they have the same responsibilities as any other boat operator.
    - ***Remind them that power is required for steering control!***
  - Point out the need to look around before turning.



## Mandatory Boater Education and Age Restrictions

The following boating safety education requirements apply to any registered or documented boat or personal watercraft (PWC) operated on Delaware waters. (See law on pages 96-97.)

- ◆ All operators born on or after January 1, 1978, must have successfully completed a boating course approved by the State of Delaware. The only exceptions are persons with a valid U.S. Coast Guard license, or a valid Delaware River Captain and Bay Pilot's license or equivalent.
- ◆ Those required to have completed a boating course must carry on board their state-issued or NASBLA-approved certificate of boating safety education.
- ◆ In addition, there are age restrictions on PWC operation:
  - No one under the age of 14 years may operate a PWC under any conditions.
  - Those 14 and 15 years of age who hold a boating safety certification card, may operate a PWC *only if* under the direct supervision of his or her parent or legal guardian.
  - Those 16 years of age and older who hold a boating safety certification card may operate a PWC without age restrictions.

## Preventing Marine Theft

To prevent theft of your vessel, motor, and equipment:

- ◆ Store your vessel so that it is not easily accessed.
  - Store your vessel and trailer in a locked garage or storage area.
  - Park another vehicle in front of the trailer, or lock the trailer to a fixed object in a well-lighted area.
  - Secure the vessel and trailer to a fixed object with a good quality chain and lock. If moored, secure the vessel to the dock with a steel cable and lock.
  - Remove trailer wheel if parked for an extended time.
  - Purchase a quality trailer hitch lock and use it.
- ◆ Chain and lock the motor and fuel tanks to the vessel.
- ◆ Mark or engrave all equipment with an identifier such as your driver's license number including state abbreviation.
- ◆ Photograph or videotape the interior and exterior of your vessel, showing all installed equipment and additional gear and equipment. Make a complete inventory of your equipment, vessel, and trailer.
- ◆ Remove expensive electronics or other valuables if the vessel is left unattended.
- ◆ Cover your vessel and always remove the keys.
- ◆ If your vessel has a cabin:
  - Replace any spring latches with dead-bolt locks.
  - Install lugs in the hinge plates to prevent removal of the hinge pins.
  - Place dowels in the tracks of sliding windows or doors.
  - Consider installing an alarm system.
- ◆ Title and register your vessel.

## Check and Maintain Before Going Out

You can assure a good time while operating your vessel by performing the pre-departure check on the next page. You should also regularly maintain your vessel's engine to prevent an emergency. (An engine maintenance checklist is provided on the next page.)

## Pre-Departure Checklist

You can help assure a good time while operating your vessel by performing this pre-departure check.

- ✓ Check the weather forecast for the area and timeframe during which you will be boating.
- ✓ Make sure that the steering and throttle controls operate properly and all lights are working properly.
- ✓ Check for any fuel leaks from the tank, fuel lines, and carburetor.
- ✓ Check the engine compartment for oil leaks.
- ✓ Check hose connections for leaks or cracks, and make sure hose clamps are tight.
- ✓ Drain all water from the engine compartment, and be sure the bilge plug is replaced and secure.
- ✓ Check to be sure you have a fully charged engine battery and fire extinguishers.
- ✓ If so equipped, make sure the ignition safety switch and wrist lanyard are in good order.
- ✓ Make sure you have the required number of personal flotation devices (PFDs), and check that they are in good condition.
- ✓ Leave a float plan with a reliable friend or relative.

## Engine Maintenance Checklist

- ✓ Keep the engine well tuned.
- ✓ Check the oil and fluid levels.
- ✓ Change the oil according to the owner's manual. As the engine ages, increase the frequency of oil changes.
- ✓ Make sure battery connections are tight, clean and free of corrosion. If the battery is weak when you start the engine, recharge it.
- ✓ Keep the exterior of the engine clean. Grease and oil buildup absorbs moisture and conducts electricity.
- ✓ Check the engine for anything that requires tightening, repairing or replacing: hoses, nuts, bolts, belts, screws, and anything else.
- ✓ Use marine parts only. Use of automotive parts rather than sealed marine parts (such as alternators, starters, and other electrical parts) could cause a spark which could ignite a fire.

Safe navigation on Delaware waterways is everyone's responsibility. Those operating power-driven vessels, sailboats, and PWCs are all equally responsible for taking action necessary to avoid collisions.

## Encountering Other Vessels

There are some rules that every operator should follow when encountering other boats or PWCs. It is the responsibility of both operators to take action to avoid a collision. Eighty percent (80%) of all boating accidents in Delaware are due to collisions. Therefore, all boaters should *slow down and keep a sharp lookout at all times*.

**To prevent collisions, every operator should follow the three basic rules of navigation:**

- ◆ Practice good seamanship.
- ◆ Keep a sharp lookout.
- ◆ Maintain a safe speed and distance.

The next page shows what to do when you encounter another boat or PWC. See page 61 for sound signals to use when encountering other vessels.

## Encountering Vessels With Limited Maneuverability

- ◆ When operating a power-driven vessel, you must give way to:
  - Any vessel not under command, such as an anchored or disabled vessel
  - Any vessel restricted in its ability to maneuver, such as a vessel towing another or laying cable, or one constrained by its draft, such as a large ship in a channel
  - A vessel engaged in commercial fishing
  - A sailboat under sail unless it is overtaking
- ◆ When operating a vessel under sail, you must give way to:
  - Any vessel not under command
  - Any vessel restricted in its ability to maneuver
  - A vessel engaged in commercial fishing

## Navigation Rules

Delaware law requires that operators obey the “rules of the road” (see law on page 89). There are two terms that help explain the rules of the road:

**Stand-on vessel:** The vessel that should maintain its course and speed

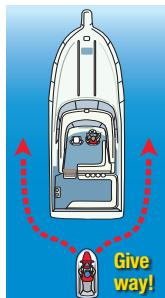
**Give-way vessel:** The vessel that must take early and substantial action to avoid collision by stopping, slowing down, or changing course.



**Power vs. Power**



**Power vs. Power**



**Power vs. Power**

### Meeting Head-On

**Power vs. Power:** Neither vessel is the stand-on vessel. Both vessels should keep to the starboard (right).

**Power vs. Sail:** The powerboat is the give-way vessel. The sailboat is the stand-on vessel.

### Crossing Situations

**Power vs. Power:** The vessel on the operator's port (left) side is the give-way vessel. The vessel on the operator's starboard (right) side is the stand-on vessel.

**Power vs. Sail:** The powerboat is the give-way vessel. The sailboat is the stand-on vessel.

### Overtaking

**Power vs. Power:** The vessel that is overtaking another vessel is the give-way vessel. The vessel being overtaken is the stand-on vessel.

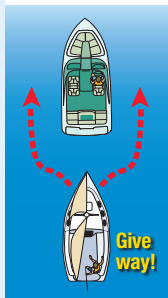
**Power vs. Sail:** The vessel that is overtaking another vessel is the give-way vessel. The vessel being overtaken is the stand-on vessel.



**Power vs. Sail**



**Power vs. Sail**

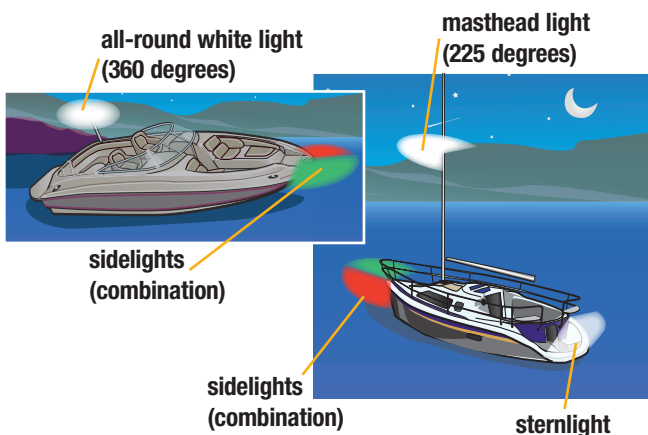


**Power vs. Sail**

## Nighttime Navigation

Be on the lookout for the lights of other vessels when boating at night. Several types of lights serve as navigational aids at night. There are four common navigation lights.

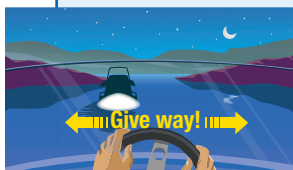
- ◆ **Sidelights:** These red and green lights are called sidelights (also called combination lights) because they are visible to another vessel approaching from the side or head-on. The red light indicates a vessel's port (left) side; the green indicates a vessel's starboard (right) side.
- ◆ **Sternlight:** This white light is seen from behind the vessel.
- ◆ **Masthead Light:** This white light shines forward and to both sides and is required on all power-driven vessels. A masthead light must be displayed by all vessels when under engine power. The absence of this light indicates a sailboat under sail.
- ◆ **All-Round White Light:** On power-driven vessels less than 39.4 feet in length, this light may be used to combine a masthead light and sternlight into a single white light that can be seen by other vessels from any direction. This light serves as an anchor light when sidelights are extinguished.



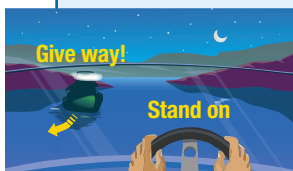
See pages 70-74 for the navigational light requirements for your vessel.



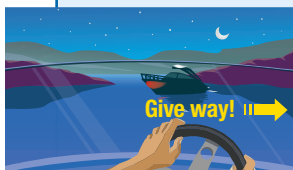
## Encountering Vessels at Night



When you see only a white light, you are overtaking another vessel. It is the stand-on vessel whether it is underway or anchored. You may go around it on either side.



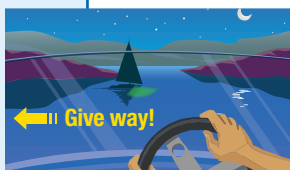
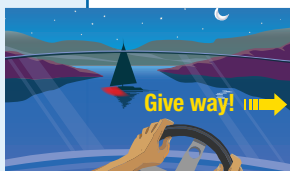
When you see a green and a white light, you are the stand-on vessel. However, remain alert in case the other vessel operator does not see you or does not know the navigation rules.



When you see a red and a white light, you must give way to the other vessel! Slow down and allow the vessel to pass, or you may turn to the right and pass behind the other vessel.

## Encountering a Sailboat at Night

When you see **only a red light or only a green light**, you may be approaching a sailboat under sail and you must give way. The sailboat under sail is always the stand-on vessel!



## U.S. Aids to Navigation System (ATON)

Buoys and markers are the “traffic signals” that guide vessel operators safely along some waterways. They also identify dangerous or controlled areas and give directions and information. As a recreational boat or PWC operator, you will need to know the lateral navigation markers and non-lateral markers of the U.S. Aids to Navigation System.

### Lateral Markers

These navigation aids mark the edges of safe water areas; for example, directing travel within a channel. The markers use a combination of colors and numbers, which may appear on either buoys or permanently placed markers.

**Red colors, red lights,** and even numbers indicate the right side of the channel as a boater enters from the open sea or heads upstream.

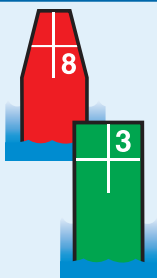


**Green colors, green lights,** and **odd numbers** indicate the left side of the channel as a boater enters from the open sea or heads upstream.

**Red and green colors and/or lights** indicate the preferred (primary) channel. If green is on top, the preferred channel is to the right as a boater enters from the open sea or heads upstream; if red is on top, the preferred channel is to the left.



**Nuns** are red cone-shaped buoys marked with even numbers.

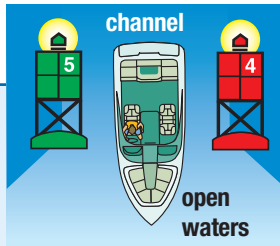
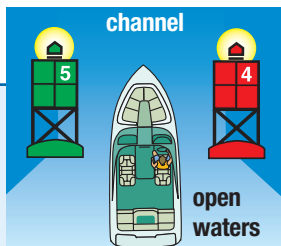


**Cans** are green cylindrical-shaped buoys marked with odd numbers.



**Lighted Buoys** use the lateral marker colors and numbers discussed above; in addition, they have a matching colored light.

**Daymarks** are permanently placed signs attached to structures, such as posts, in the water. Common daymarks are red triangles (equivalent to nuns) and green squares (equivalent to cans). They may be lighted also.



### Red Right Returning

is a reminder of the correct course when returning from open waters or heading upstream.

## Intracoastal Waterway (ICW)

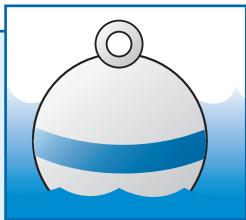
The Intracoastal Waterway (ICW) is a chain of local channels linked together to provide an inland passage along the Atlantic and Gulf of Mexico coasts. Channels of the ICW are identified by yellow symbols on channel buoys and markers.

- ◆ They are aids for both the U.S. Aids to Navigation System and the Intracoastal Waterway. If following the ICW from New Jersey to Brownsville, Texas in a clockwise direction:
  - Any marker displaying a yellow triangle should be passed by keeping it on the right side of the vessel.
  - Any marker displaying a yellow square should be passed by keeping it on the left side of the vessel.
- ◆ This is true regardless of the shape or color of the channel marker or buoy on which the ICW symbols are displayed. That is, when you are following the Intracoastal Waterway, the yellow triangles and squares supersede the colors and shapes of the lateral markers on which they appear.



## Mooring Buoy

Mooring buoys are white with a blue horizontal band and are found in marinas and other areas where vessels are allowed to anchor.



## Non-Lateral Markers

Non-lateral markers are navigational aids that give information other than the edges of safe water areas. The most common are the regulatory markers shown below, which are white and use orange markings and black lettering. These markers are found on lakes and rivers.



### Information

Squares indicate where to find food, supplies, repairs, etc. and give directions and other information.



### Controlled

Circles indicate a controlled area such as speed limit, no fishing or anchoring, ski only or no skiing, or “slow, no wake.”



### Exclusion

Crossed diamonds indicate areas off-limits to all vessels such as swimming areas, dams, and spillways.

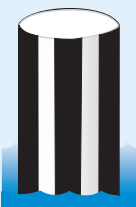


### Danger

Diamonds warn of dangers such as rocks, shoals, construction, dams, or stumps. Always proceed with caution.

## Other Non-Lateral Markers

**Safe Water Markers** are white with red vertical stripes and mark mid-channels or fairways. They may be passed on either side.



### Inland Waters Obstruction Markers

are white with black vertical stripes and indicate an obstruction to navigation. You should not pass between these buoys and the nearest shore.

## Diver-Down Flags

Scuba divers or snorkelers display a flag to mark their diving area. Vessels not engaged in diving should stay well clear of areas displaying the “diver down” flag or vessels displaying the “code flag alfa.”

- ◆ **Divers flag:** A rectangular red flag with a white diagonal stripe displayed from a float during diving operations.
- ◆ **Code flag alfa:** A blue and white flag displayed from vessels during dive operations if they are restricted in their ability to maneuver.



**Divers Flag**

A rectangular red flag with a white diagonal stripe is required if on state waters



**Alfa Flag**

A blue and white International Code Flag A (or Alfa flag), usually flown from a vessel and used on federally controlled waters

## Tides on Coastal Waters

- ◆ High tides and low tides normally occur twice daily each, at approximately six hour intervals.
- ◆ Boat operators in coastal waters need to be mindful of the effect of tides.
  - The rise and fall of tides can cause water levels to fluctuate by several feet and also can cause strong currents. This can cause vessels to run aground in areas where earlier navigation may have been safe.
  - Tides also can affect docking to a fixed pier.
  - Tidal currents can be strong enough that some vessels are not able to make headway against the current.
- ◆ Never go overboard in coastal waters without a PFD. Many lives are lost from going overboard and then being unable to swim back to the vessel against the current.
- ◆ As a boat operator, you need a knowledge of the tides in your local area. It is a good idea to learn how to read tide tables found in many newspapers in coastal areas. Tide schedules can also be found on weather radio channels.

## Winds and Currents

- ◆ Winds and currents can change a vessel's course. Always allow leeway for current and wind.
  - A vessel that sits deep in the water will be affected more by current than wind.
  - A vessel that rides high in the water will be affected more by wind than current.
- ◆ It is easiest to handle a powerboat in a river or stream by going against the current. If you must go in the direction of the current, you must go faster than the current or you will not be able to steer the vessel.

## Weather Emergencies

Weather can change very rapidly and create unexpected situations. Monitor weather developments by tuning a VHF radio to one of the frequencies listed below:

### VHF Frequencies Broadcasting NOAA Weather Reports

162.400 MHz	162.450 MHz	162.500 MHz	162.550 MHz
162.425 MHz	162.475 MHz	162.525 MHz	

These are the most commonly used VHF channels on United States waters.

**Channel 6** Intership safety communications.

**Channel 9** Communications between vessels (commercial and recreational), and ship to coast (calling channel in designated USCG Districts).

**Channel 13** Navigational use by commercial, military, and recreational vessels at bridges, locks, and harbors.

**Channel 16** Distress and safety calls to U.S. Coast Guard and others, and to initiate calls to other vessels; often called the “hailing” channel. (Some regions use other channels as the hailing channel.) When hailing, contact the other vessel, quickly agree to another channel, and then switch to that channel to continue conversation.

**Channel 22** Communications between the U.S. Coast Guard and the maritime public, both recreational and commercial. Severe weather warnings, hazards to navigation, and other safety warnings are broadcast on this channel.

**Channels 24-28** Public telephone calls (to marine operator).

**Channels 68, 69, and 71** Recreational vessel radio channels and ship to coast.

**Channel 70** Digital selective calling “alert channel.”

## What To Do If Caught in Foul Weather

- ◆ Put on personal flotation devices (PFDs) and make sure they are properly secured.
- ◆ Seek shelter in advance of a storm. If caught out in a thunderstorm, stay low in the middle of the vessel.
- ◆ If there is fog, sound your fog horn. See page 62.
- ◆ Head for the nearest shore that is safe to approach.
- ◆ Head the bow into the waves at a 45-degree angle. PWCs should head directly into the waves.
- ◆ Reduce speed.
- ◆ Seat passengers on the bottom of the vessel, as close to the centerline as possible.
- ◆ Secure loose items. Have emergency gear ready.
- ◆ Keep the bilge free of water.
- ◆ If the engine stops, drop a “sea anchor” on a line off the bow to keep the bow headed into the wind and reduce drifting while you ride out the storm. In an emergency, a bucket will work as a sea anchor.
- ◆ If the sea anchor is not sufficient, anchor using your conventional anchor to prevent your boat from drifting into dangerous areas.

## Other Boating Emergencies

A safe boater knows how to prevent and respond to other boating emergencies.

### Typical Causes of Boating Fatalities in Delaware

- ◆ Someone not wearing a PFD falls overboard and drowns *or ...*
- ◆ A vessel capsizes, the occupants don't stay with the vessel and someone drowns *or ...*
- ◆ A vessel strikes another vessel or fixed object and occupants are fatally injured or drown due to injuries.





## Falling Overboard

### ◆ To prevent persons from falling overboard:

- Don't sit on the gunwale, bow, seat backs, motor cover, or any other area not designed for seating.
- Don't sit on pedestal seats when underway at greater than idle speed.
- Don't stand up in or lean out from the boat.
- Don't move about the boat when underway.

### ◆ If someone on your boat falls overboard:

- Reduce speed and toss the victim a throwable PFD.
- Turn your boat around and slowly pull alongside the victim, approaching the victim from downwind or into the current, whichever is stronger.
- Turn off the engine. Pull the victim on board over the stern, keeping the weight in the boat balanced.

## Capsizing or Swamping

### ◆ To reduce the risk of capsizing or swamping:

- Don't overload your boat. Balance the load.
- Slow your boat appropriately when turning.
- Secure the anchor line to the bow, never to the stern.
- Don't boat in rough water or in bad weather.

### ◆ If you capsize or swamp your boat, or if you have fallen overboard and can't get back in:

- Stay with the boat.
- Try to reboard or climb onto it in order to get as much of your body out of the cold water as possible.

### ◆ If the boat sinks or floats away, don't panic.

- If wearing a PFD, remain calm and await help.
- If you aren't wearing a PFD, look around for one or for other buoyant items to use as a flotation device.
- In cold water, float rather than tread.

## Rescue Technique

Remember to Reach, Throw, Row or Go to rescue someone in the water:

### Reach

- ◆ If the victim is within arm's length, REACH for the victim's hand or wrist and pull him or her to safety.
- ◆ If the victim is farther out, use a branch, towel, oar, line or other object to pull him or her to safety.

### Throw

- ◆ If the victim is too far away to reach and a vessel isn't handy, THROW the victim a PFD or anything else that will float.



### Row

- ◆ If a rowboat is nearby, ROW to the victim, then use an oar to guide him or her to the stern. Let the victim remain in the water while holding to the stern as you paddle to shore. If the victim is too weak to hold on, hold him or her until more help arrives.
- ◆ If using a powerboat, stop the engine and glide to the victim from the downwind side. Help the victim into the vessel, avoiding sharp objects.

### Go

- ◆ Swimmers without lifesaving training should not swim to a victim. Instead, GO for help. If you must swim to a victim, take along anything that floats to keep between you and the victim.

## Hypothermia

### ◆ If you are boating in cold water:

- Dress in several layers of clothing under your PFD or wear a wetsuit or drysuit.
- Learn to recognize the symptoms of hypothermia. Symptoms begin with shivering and bluish lips and nails, and progress to a coma and, ultimately, death.

### ◆ To reduce the effects of hypothermia:

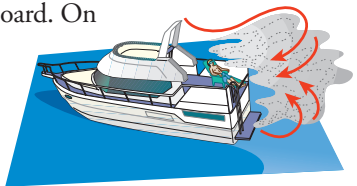
- Put on a PFD if not wearing one. It helps you to float without excessive movement and insulates your body.
- Get as much of your body out of the water as possible.
- Don't take your clothes off unless necessary—clothes can help you float and provide insulation.
- Don't thrash or move about. Excess motion consumes energy and increases loss of body heat.
- Draw your knees to your chest and your arms to your sides, protecting the major areas of heat loss.
- If others are in the water with you, huddle together with your arms around their shoulders.



## Carbon Monoxide Poisoning

Carbon monoxide is an invisible, odorless, tasteless gas that can be deadly. To prevent carbon monoxide poisoning, keep air flowing through the boat and take extreme caution when running a generator at a dock or at anchor.

- ◆ Whenever people are using a swim platform or are in the water close to the stern, turn off all gasoline-powered generators with transom exhaust ports.
- ◆ Swimmers should never enter the cavity between the swim platform and the stern of the boat.
- ◆ When boating, be careful running downwind as exhaust gases may blow back on board. On cabin cruisers, be aware that exhaust gases can blow back into the stern when traveling into the wind.



## Preventing Accidents by Avoiding Alcohol

- ◆ The effect of alcohol is increased by the natural stressors placed on your body while boating. Also, dehydration causes alcohol to be absorbed more quickly into your system. Research has proven that one third of the amount of alcohol that it takes to make a person legally intoxicated on the road can make a boater equally impaired on the water.
- ◆ Alcohol depresses the central nervous system and affects judgment and slows reaction time. Most people become slightly impaired after only one drink. Alcohol makes it difficult for you to pay attention, especially to multiple tasks. For example, it will be more difficult for you to keep track of two or more vessels operating in your area.
- ◆ Always designate non-drinking boaters to operate the vessel and to act as an observer if your group plans to consume alcohol. Do not allow your skipper to continue operating if he or she is drinking. Alcohol contributes to about one-third of all boating accidents nationwide.



## Enforcement

- ◆ Enforcement of boating laws and regulations is the responsibility of the DNREC Fish and Wildlife enforcement agents. Some of the waters of the state also are patrolled by other authorities such as police officers and the U.S. Coast Guard.
- ◆ Boaters approached by a patrol boat with its blue light flashing should reduce speed, yield the right-of-way to the patrol vessel, or stop their vessel if necessary. The operator must stop when requested to do so by a law enforcement officer.



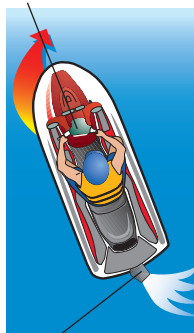
## Specifically for PWCs

Although personal watercraft are considered inboard boats and have the same rules and requirements of any other vessel, there are specific considerations for PWC. Also see pages 92-96 for Delaware laws specific to personal watercraft.

### Steering and Stopping a PWC

- ◆ PWCs are propelled by drawing water into a pump and then forcing it out under pressure through a steering nozzle at the back of the unit. This “jet” of pressurized water is directed by the steering control—when the steering control is turned, the steering nozzle turns in the same direction. For example, if the steering control is turned right, the nozzle turns right and the jet of water pushes the back of the vessel to the left, which causes the PWC to turn right.

steering control



steering nozzle

- ◆ **A PWC has no brakes.** Always allow plenty of room for stopping. Just because you release the throttle or shut off the engine does not mean you will stop immediately.

#### **Remember—no power means no steering control ...**

You must always have power in order to maintain control. If you allow the engine to return to idle or shut off during operation, you lose all steering control. The PWC will continue in the direction it was headed before the engine was shut off, no matter which way the steering control is turned.

## Ignition Safety Switches

- ◆ Most PWCs and powerboats come equipped by the manufacturer with an important device called an emergency ignition safety switch. This is a safety device that is designed to shut off the engine if the operator is thrown from the proper operating position.
- ◆ A lanyard is attached to the safety switch and the operator's wrist or PFD. The safety switch shuts off the engine if the operator falls off the PWC or out of the powerboat. If your vessel does not come equipped with an ignition safety switch, you should have one installed.
- ◆ It is illegal to ride your PWC without attaching the lanyard properly between the switch and yourself.



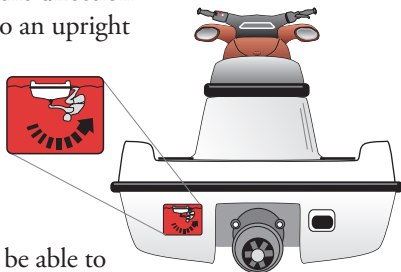
## Courtesy When Encountering Other Vessels

- ◆ Jumping the wake of a passing boat, or riding too close to another PWC or boat, creates risks and is restricted or even prohibited in some states. The vessel making the wake may block the PWC operator's view of oncoming traffic and also conceal the PWC operator from approaching vessels.
- ◆ Excessive noise from PWCs often makes them unwelcome with other vessel operators and people on shore. Be a courteous PWC operator.
  - Vary your operating area, and do not keep repeating the same maneuver.
  - Avoid congregating with other PWC operators near shore, which increases annoying noise levels.
  - Avoid making excessive noise near residential and camping areas, particularly early in the morning.
  - Avoid maneuvers that cause the engine exhaust to lift out of the water because that increases noise levels.
  - Do not modify your engine exhaust system if it increases the noise. Improperly modified exhausts will not make your PWC faster and may raise the noise to an illegal level.

## Reboarding a Capsized PWC

After a fall, the PWC could be overturned completely. When this occurs you should follow these procedures:

- ◆ Most manufacturers have placed a decal at the rear of the craft that indicates the direction to roll your PWC to an upright position. If no decal exists, check your owner's manual or ask the dealer.
- ◆ With this information you should be able to roll the PWC over and reboard from the rear of the craft. If you roll it over the wrong way you could cause serious damage to your PWC.
- ◆ Practice reboarding with someone else around.
- ◆ Avoid riding your PWC when you are tired, as this can make reboarding more difficult.
- ◆ Avoid riding where there are strong currents or winds; this could hamper your reboarding efforts.



## Environmental Considerations

When operating your personal watercraft, consider the effect you may have on the environment.

- ◆ Make sure that the water you operate in is at least 30 inches deep. Riding in shallow water can cause bottom sediments or aquatic vegetation to be sucked into the pump, damaging your PWC and the environment.
- ◆ Avoid causing erosion by operating at slow speed and by not creating a wake when operating near shore or in narrow streams or rivers.
- ◆ Do not dock or beach your PWC in reeds and grasses. This could damage fragile environments.
- ◆ Take extra care when fueling your PWC in or near the water. Oil and gasoline spills are very detrimental to the aquatic environment. Fuel on land if possible.
- ◆ Never use your PWC to disturb, chase, or harass wildlife.



### Discharge of Oil and Other Hazardous Substances

- ◆ Regulations issued under the Federal Water Pollution Control Act require all vessels with propulsion machinery be able to retain oil mixtures on board. You are not allowed to discharge oil or hazardous substances.
- ◆ You are not allowed to dump oil into the bilge of the vessel without means for proper disposal.
- ◆ You must discharge oil waste to a reception facility. On recreational vessels, a bucket or bailer is adequate.

If your vessel discharges oil or hazardous substances in the water you must:

- ◆ Immediately notify the U.S. Coast Guard at 1-800-424-8802.
- ◆ Also call the Delaware Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, Enforcement Section's emergency number: 1-800-523-3336 or 302-739-4580



- ◆ If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a 5 x 8-inch placard made of durable material, fixed in a conspicuous place in the machinery spaces or at the bilge pump control station, stating the following:

#### Discharge of Oil Prohibited

The Federal Water Pollution Control Act prohibits the discharge of oil or oily waste upon or into any navigable waters of the U.S. The prohibition includes any discharge which causes a film or discoloration of the surface of the water or causes a sludge or emulsion beneath the surface of the water. Violators are subject to substantial civil and/or criminal sanctions including fines and imprisonment.

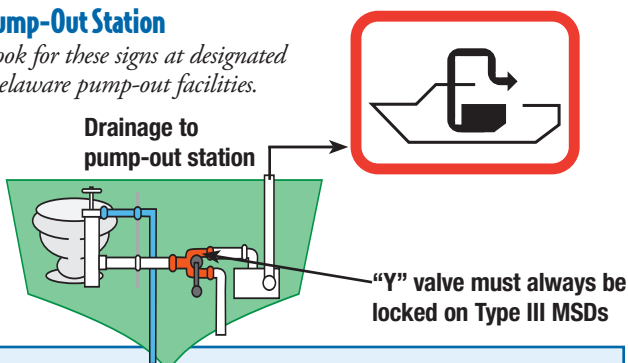


## Discharge of Waste

- ◆ Discharge of untreated or inadequately treated sewage is illegal in Delaware coastal waters within three miles of shore. If you have a recreational vessel with installed toilet facilities, it must have an operable marine sanitation device (MSD) on board.
- ◆ There are three types of MSDs.
  - Type III MSD, the simplest and most common, consists of holding tanks or portable toilets. Waste is to be discharged on shore into a pump-out facility. Type III MSDs with “Y” valves that direct the waste overboard must be locked in the closed position preventing discharge of waste overboard.
  - Types I and II MSDs are usually found on large vessels. Always flush these systems only in open waters, preferably at least 20 feet deep. Types I and II MSDs treat waste with special chemicals to kill bacteria before the waste is discharged. Maintain these MSDs to insure they meet Delaware’s standards for waste treatment.

### Pump-Out Station

*Look for these signs at designated Delaware pump-out facilities.*



In Delaware, marinas providing docks for vessels with Type III systems are now required to provide convenient pump-out facilities. For a list, go to [www.dnrec.delaware.gov/p2/Pages/PumpoutStations.aspx](http://www.dnrec.delaware.gov/p2/Pages/PumpoutStations.aspx) on the Internet.

## Discharge of Trash

It is illegal to dump refuse, garbage, or plastics into federally controlled and state waters.

- ◆ You must store trash in a container while on board and place it in a proper receptacle after returning to shore.
- ◆ If boating on federally controlled waters and your vessel is 26 feet or longer, you must display a Garbage Disposal Placard that is at least 4 x 9 inches and notifies passengers and crew about discharge restrictions.

## Help Protect the Boating Environment

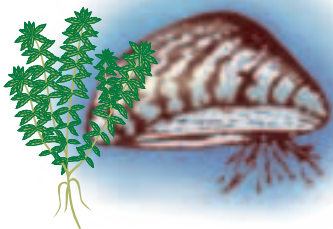
### Don't Foul the Water!

Keeping your vessel's hull clean and free of growth is important; however, not at the cost of fouling Delaware's waters. All anti-fouling paints work by releasing toxic chemicals into the surrounding water. In general, the more effective the paint, the more toxic its ingredients. Keep in mind ...

- ◆ Copper-based paints, used for decades, have generally proven adequate to keep a hull clean for a year or more and are less toxic.
- ◆ Newer tin-based paints (such as tributyltin, or TBT) should not be used. TBT is one of the most toxic chemicals to aquatic life—interfering with reproduction, especially of shellfish. Studies indicate TBT also causes health problems in humans. Delaware law restricts the use of TBT-containing products.
- ◆ When preparing your vessel for being painted, catch all toxic paint scrapings and dispose of them in a proper container. When painting, keep all paint thinner, brush cleaners, etc. away from the water and dispose of them properly to reduce the chance of fouling the water.
- ◆ Consider dry stacking your vessel to reduce the need for bottom paint.

### Prevent the Spread of Nuisance Vegetation or Fish!

Introducing nonnative species, such as zebra mussels and hydrilla, into Delaware waters can upset the balance of the ecosystem, hurting the environment. Prevent spreading aquatic nuisance species by:



- ◆ Inspecting your vessel and trailer, removing any plants and animals you see before leaving the waterbody area.
- ◆ Draining your motor, live well, and bilge on land before leaving the waterbody area.
- ◆ Never releasing live bait into a waterbody or releasing aquatic animals from one waterbody into another.
- ◆ Rinsing your vessel's hull, propeller, trailer and equipment. Apply approved anti-foulants to the hull.
- ◆ Air-drying your vessel and equipment for as long as possible.

# Delaware Boating Regulations



The following is the Delaware Boating Regulations. Additional information is also provided. Blue text indicates Delaware Boating Regulations.

## 1.0 General

### 1.1 *Code of Federal Regulations*

These regulations reference provisions from the Code of Federal Regulations (CFR), revised as of July 1, 1997, and October 1, 1996, for U.S. C. Titles 33 and 46, respectively.

### 1.2 *Application of Regulations*

Unless otherwise specified, these regulations shall apply to all vessels used on the waters of this State.

### 1.3 *Obedience to Orders by Enforcement Officers*

It shall be a violation of this regulation for a person to willfully fail or refuse to comply with any lawful order or direction of an enforcement officer invested by law with authority to enforce these regulations.

## 2.0 Definitions

### 2.1 *For purposes of 3.0 through 12.0, the following words and phrases shall have the meaning ascribed to them unless the context clearly indicates otherwise:*

**“All-round light”** shall mean a light showing an unbroken light over an arc of the horizon of 360 degrees.

**“Boat”** shall mean any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter’s noncommercial use; or engaged in the carrying of 6 or fewer passengers for hire.

**“Coast Guard Approved”** shall mean that the equipment has been determined to be in compliance with Coast Guard specifications and regulations relating to the materials, construction, and performance.

**“Commercial Hybrid PFD”** shall mean a hybrid PFD approved for use on commercial vessels identified on the PFD label.

**“Division”** shall mean the Division of Fish and Wildlife.

**“Enforcement officer”** shall mean a sworn member of a police force or other law enforcement agency of this State or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of the laws of this State or other governmental units within the State.

**“Especially Hazardous Condition”** shall mean a condition which endangers the life of a person on board a vessel.

- “First Aid”** shall mean emergency care and treatment of an injured person before definitive medical and surgical management can be secured.
- “Issuing Authority”** shall mean a state where a numbering system for vessels has been approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Issuing authorities are listed in Appendix A.
- “Masthead Light”** shall mean a white light placed over the fore and aft centerline of a vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel, except that on a vessel of less than 12 meters (39.4 ft.) in length the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the vessel.
- “Motorboat”** shall mean any vessel 65 feet (19.8 m) in length or less equipped with propulsion machinery, including steam.
- “Motor Vessel”** shall mean any vessel more than 65 feet (19.8 m) in length propelled by machinery other than steam.
- “Navigable Channel”** shall mean a channel plotted on a National Oceanic and Atmospheric Administration nautical chart or a channel marked with buoys, lights, beacons, ranges, or other markers by the Coast Guard or with Coast Guard approval.
- “Negligent”** shall mean the omission to do something which a reasonable person, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a reasonable and prudent person would not do.
- “Open Boat”** shall mean a motorboat or motor vessel with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel.
- “Operate”** shall mean to navigate or otherwise use.
- “Operator”** shall mean that person in control or in charge of the vessel while the vessel is in use.
- “Owner”** shall mean a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him/her to such possession.
- “Passenger for Hire”** shall mean a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

**“Personal Flotation Device”** shall mean a device that is approved by the Commandant of the Coast Guard pursuant to 46 CFR Part 160.

**“PFD”** shall mean personal flotation device.

**“Racing Shell, Rowing Scull, Racing Canoe or Racing Kayak”** shall mean a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

**“Recreational Vessel”** shall mean any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter’s noncommercial use. It does not include a vessel engaged in the carrying of 6 or fewer passengers for hire.

**“Restricted Visibility”** shall mean any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, or any other similar causes.

**“Ship Lifeboat”** shall mean a lifeboat carried aboard a vessel and used exclusively for lifesaving purposes.

**“Sidelights”** shall mean a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a vessel of less than 20 meters (65.6 ft.) in length, the sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel, except that on a vessel of less than 12 meters (39.4 ft.) in length the sidelights when combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

**“Slow-No-Wake”** shall mean as slow as possible without losing steerage way and so as to make the least possible wake. (This almost always means speeds of less than 5 miles per hour.)

**“Special Flashing Light”** shall mean a yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180 degrees nor more than 225 degrees and so fixed as to show the light from right ahead to abeam and no more than 22.5 degrees abaft the beam on either side of the vessel.

**“State of Principal Use”** shall mean a state on whose waters a vessel is used or to be used most during a calendar year. It shall mean this State if the vessel is to be used, docked, or stowed on the waters of this State for over 60 consecutive days.

**“Sternlight”** shall mean a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel.

**“Towing Light”** shall mean a yellow light having the same characteristics as the sternlight.

**“Type I PFD”** shall mean any Coast Guard approved wearable device designed to turn most unconscious wearers in the water from a face down position to a vertical and slightly backward position. The Type I PFD has the greatest required buoyancy: the adult size provides at least 22 pounds buoyancy, and the child size provides at least 11 pounds buoyancy.

**“Type II PFD”** shall mean any Coast Guard approved wearable device designed to turn some unconscious wearers from a face-down position to a vertical and slightly backward position. An adult size device provides at least 15.5 pounds buoyancy, the medium child size provides at least 11 pounds, and the infant and small child sizes provide at least 7 pounds buoyancy.

**“Type III PFD”** shall mean any Coast Guard approved wearable device designed to maintain conscious wearers in a vertical and slightly backward position. While the Type III PFD has the same minimum buoyancy as the Type II PFD, it has little or no turning ability.

**“Type IV PFD”** shall mean any Coast Guard approved device designed to be thrown to a person in the water and grasped and held by such person until rescued. It is not designed to be worn. Type IV devices, which include buoyant cushions, ring buoys, and horseshoe buoys, are designed to have at least 16.5 pounds buoyancy.

**“Type V PFD”** shall mean any Coast Guard approved wearable device designed for a specific and restricted use. The label on the PFD indicates the kinds of activities for which the PFD may be used and whether there are limitations on how it may be used.

**“Type V hybrid PFD”** shall mean any Coast Guard approved wearable device designed to give additional buoyancy by inflating an air chamber. When inflated it turns the wearer similar to the action provided by a Type I, II, or III PFD (the type of performance is indicated on the label). The exact specification and performance of the PFD will vary somewhat with each device.

**“Use”** shall mean to operate, navigate, or employ.

**“Water skiing”** shall include any activity whereby a person is towed behind or alongside a vessel.

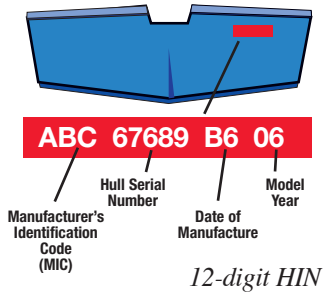
# Vessel Registration and Numbering

## Hull Identification Number

The Hull Identification Number (HIN) is a unique, 12-digit or 17-digit number assigned by the manufacturer to vessels built after 1972.

### ◆ HINs:

- Distinguish one vessel from another.
  - Are engraved in the fiberglass or on a metal plate attached to the transom.
  - Should be recorded by the owner and put in a place other than the vessel in case warranty problems arise or the vessel is lost or stolen.
- ◆ If your vessel is homemade, apply for a hull identification number with the DNREC and provide a photograph of the vessel.
- ◆ It is against the law to destroy, alter, cover, deface, or mutilate a HIN.



## Buying a Vessel

- ◆ Be certain that the vessel's description on the title matches the vessel you are buying. Check year, make, length and hull identification number.
  - Do not buy a vessel if the hull identification number has been altered or removed.
  - Do not buy a vessel that is registered as "homemade" but is obviously a manufactured vessel.
  - Do not buy an outboard motor if the model and serial number plates have been removed.
  - Do not buy a "new" vessel without obtaining a Manufacturer's Certificate of Origin (MCO).
- ◆ Before buying any vessel, be certain the seller can provide you with his current registration, a notarized bill of sale or title.
- ◆ If you suspect the sale of a stolen vessel, immediately contact the DNREC.

## Registering Your Vessel

- ◆ Apply for a boat registration at an authorized sales outlet (see list on page 108). Boat registration fees are based on the length of the vessel. The Certificate of Number is valid for one or three years, at the option of the owner.
- ◆ Larger recreational vessels, owned by U.S. citizens, may (at the option of the owner) be documented by the U.S. Coast Guard. Call the USCG's Documentation Center at 1-800-799-8362 for more information.

## Schedule of Fees To Register Your Vessel

Length of Vessel	1 Yr / 3 Yr
Under 16 feet in length	\$10.00/\$30.00
16 feet but less than 26 feet	\$20.00/\$60.00
26 feet but less than 40 feet	\$30.00/\$90.00
40 feet but less than 65 feet	\$50.00/\$150.00
65 feet and over	\$60.00/\$180.00

### 3.0 Registration, Numbering, and Marking of Vessels

#### 3.1 *Applicability.*

This regulation shall apply to all vessels propelled by any form of mechanical power, including electric trolling motors, used or placed on the waters of this State, except the following:

- 3.1.1 Foreign vessels temporarily using such waters;
- 3.1.2 Military or public vessels of the United States, except recreational-type public vessels;
- 3.1.3 A vessel whose owner is a state or subdivision thereof, other than this State, which is used principally for governmental purposes, and which is clearly identifiable as such;
- 3.1.4 A vessel used exclusively as a boat docking facility, as defined in 3.24 of this regulation, or a ship's lifeboat; and
- 3.1.5 Vessels which have been issued valid marine documents by the Coast Guard.

#### 3.2 *Vessel Number Required.*

- 3.2.1 Except as provided in 3.3 of this regulation, no person shall use or place on the waters of this State a vessel to which this regulation applies unless:
  - 3.2.1.1 It has a number issued on a certificate of number by this State; and
  - 3.2.1.2 The number is displayed as described in 3.8 of this regulation.
- 3.2.2 This regulation shall not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the state in which the vessel is principally used.

#### 3.3 *Reciprocity.*

- 3.3.1 When the state of principal use is a state other than this State and the vessel is properly numbered by that state, the vessel shall be deemed in compliance with the numbering system requirements of this State in which it is temporarily used.
- 3.3.2 When this State becomes the state of principal use for a vessel numbered by another state, the vessel's current number shall be recognized as valid for a period of 60 consecutive days before numbering is required by this State.

#### 3.4 *Other Numbers and Letters Prohibited.*

No person shall use a vessel to which this regulation applies that



has any letters or numbers that are not issued by an issuing authority for that vessel on its forward half.

### ***3.5 Certificate of Number Required (Registration Card).***

3.5.1 Except as provided in 3.3 of this regulation, no person shall use a vessel to which this regulation applies unless it has on board:

3.5.1.1 A valid certificate of number or temporary certificate for that vessel issued by this State; or

3.5.1.2 For rental vessels described in 3.5.2 of this section, a copy of the lease or rental agreement, signed by the owner or the owner's authorized representative and by the person leasing or renting the vessel, that contains at least:

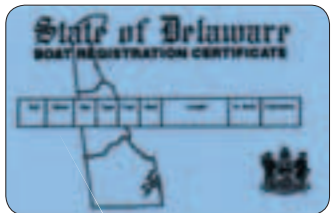
3.5.1.2.1 The vessel number that appears on the certificate of number; and

3.5.1.2.2 The period of time for which the vessel is leased or rented.

3.5.2 The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use for less than 24 hours may be retained on shore by the vessel's owner or representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative.

### ***3.6 Inspection of Certificate.***

Each person using a vessel to which this regulation applies shall present the certificate of number, lease, or rental agreement required by 3.5 of this regulation to any enforcement officer for inspection at the officer's request.



### ***3.7 Location of Certificate of Number.***

No person shall use a vessel to which this regulation applies unless the certificate of number, lease, or rental agreement required by 3.5 of this regulation is carried on board in such a manner that it can be handed to a person authorized under Section 6 of this regulation to inspect it.

### ***3.8 Numbers: Display; Size; Color.***

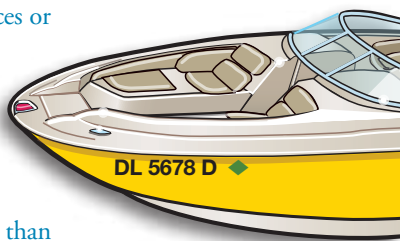
3.8.1 Each number required by 3.2 of this regulation shall:

3.8.1.1 Be painted on or permanently attached to each side of the forward half of the vessel, except as allowed by 3.8.2 or required by 3.8.3 of this section;

3.8.1.2 Be in plain vertical block characters of not less than 3 inches in height;

3.8.1.3 Contrast with the color of the background and be distinctly visible and legible;

- 3.8.1.4 Have spaces or hyphens that are equal to the width of a letter other than “I” or a number other than “1” between the letter and number groupings (example: DL 5678 D or DL-5678-D); and



- 3.8.1.5 Read from left to right.

- 3.8.2 When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.
- 3.8.3 On vessels so configured that a number on the hull or superstructure would not be easily visible, the number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.
- 3.8.4 Expired validation decals shall be removed and only effective decals shall be displayed.

### ***3.9 Notification of Issuing Authority.***

The person whose name appears as the owner of a vessel on a certificate of number shall, within 15 days, notify the Division of:

- 3.9.1 Any change in said person's address;
- 3.9.2 The theft or recovery of the vessel;
- 3.9.3 The loss or destruction of a valid certificate of number;
- 3.9.4 The transfer of all or part of said person's interest in the vessel; and
- 3.9.5 The destruction or abandonment of the vessel.

### ***3.10 Revocation, Cancellation or Suspension of Certificate of Number; Notice.***

- 3.10.1 The Division may revoke, cancel or suspend the certificate of number if it is determined by the Division that the certificate of number was issued unlawfully or erroneously.
- 3.10.2 The Division may revoke, cancel or suspend the certificate of number for any vessel which is determined by the Division to be unsafe or unfit for use as a means of transportation on water.
- 3.10.3 Whenever the Division revokes, cancels or suspends the certificate of number for a vessel, the Division shall immediately notify the owner and afford the owner an opportunity for a hearing before the Division.

### ***3.11 Removal of Number and Validation Decal.***

The person whose name appears on a certificate of number as the owner of a vessel shall remove the number and validation sticker from the vessel when:

- 3.11.1 The vessel is documented by the Coast Guard;
- 3.11.2 The certificate of number is invalid under Section 14(b) (4) or (c) of this regulation; or
- 3.11.3 This State is no longer the state of principal use.

### ***3.12 Application for Certificate of Number.***

3.12.1 Any person who is the owner of a vessel to which 3.12 of this regulation applies may apply for a certificate of number for that vessel by submitting the following to the Division or a licensing agent:

- 3.12.1.1 The application prescribed by the Division;
- 3.12.1.2 The fee required by 23 Del.C. §2113(a); and
- 3.12.1.3 Proof of ownership as required by 3.22 of this regulation.

3.12.2 Notwithstanding 3.12.1 of this section, before the Division or a licensing agent issues or renews a certificate of number for a homemade vessel, a photograph of such vessel shall be filed with the Division and the Division, upon receipt of such photograph, may, upon reasonable cause, inspect the vessel to determine if it is safe and fit to be used as a means of transportation on water. In the event a homemade vessel is determined to be unsafe or unfit, the certificate of number shall not be issued or renewed until an endorsement is secured from the Division that such vessel is safe and fit.

### ***3.13 Duplicate Certificate of Number.***

If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting the following to the Division or a licensing agent:

- 3.13.1 The application prescribed by the Division; and
- 3.13.2 The fee required by 23 Del.C. §2113(b).

### ***3.14 Validity of Certificate of Number; Surrender of Certificate of Number.***

3.14.1 Except as provided in 3.14.2, 3.14.3, 3.14.4 and 3.14.5 of this section, a certificate of number is valid until the date of expiration prescribed by this State.

3.14.2 A certificate of number issued by this State is invalid after the date upon which:

- 3.14.2.1 The vessel is documented or required to be documented;
- 3.14.2.2 The person whose name appears on the certificate of number as owner of the vessel transfers all of his/her ownership in the vessel;
- 3.14.2.3 The vessel is destroyed or abandoned; or

3.14.2.4 The Division revokes, cancels or suspends the certificate of number.

3.14.3 A certificate of number issued by this State is invalid if:

3.14.3.1 The application for the certificate of number contains a false or fraudulent statement; or

3.14.3.2 The fees for the issuance of the certificate of number are not paid.

3.14.4 A certificate of number is invalid 60 days after the day on which another state becomes the state of principal use.

3.14.5 A certificate of number is invalid when the person whose name appears on the certificate involuntarily loses his/her interest in the numbered vessel by legal process.

3.14.6 The person whose name appears as the owner of a vessel on a certificate of number shall surrender the certificate to the Division or a licensing agent within 15 days after it becomes invalid under 3.14.2, 3.14.3, 3.14.4 or 3.14.5 of this section.

### ***3.15 Validation Stickers.***

3.15.1 No person shall use a vessel that has a number issued by this State unless a validation sticker was issued with the certificate of number and the sticker:

3.15.1.1 Is displayed within 6 inches of the number; and

3.15.1.2 Meets the requirements in 3.15.2 and 3.15.3 of this section.

3.15.2 Validation stickers shall be approximately 3 inches square.

3.15.3 The year in which each validation sticker expires shall be indicated by the colors, blue, international orange, green, and red, in rotation beginning with green for stickers that expired in 1975 (see Appendix B).



**Validation  
Sticker**



### ***3.16 Contents of Application for Certificate of Number.***

3.16.1 Each application for a certificate of number shall contain the following information:

3.16.1.1 Name of each owner;

3.16.1.2 Address of at least one owner, or the address of the principle place of business of an owner that is not an individual, including zip code;

3.16.1.3 Mailing address, if different from the address required by 3.16.1.2 of this section;

- 3.16.1.4 Date of birth of the owner;
  - 3.16.1.5 Citizenship of the owner;
  - 3.16.1.6 State in which vessel is or will be principally used;
  - 3.16.1.7 The number previously issued by an issuing authority for the vessel, if any;
  - 3.16.1.8 Expiration date of certificate of number issued by the issuing authority;
  - 3.16.1.9 Official number assigned by the Coast Guard, if applicable;
  - 3.16.1.10 Whether the application is for a new number, renewal of a number, or transfer of ownership;
  - 3.16.1.11 Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;
  - 3.16.1.12 Make of vessel or name of vessel builder, if known;
  - 3.16.1.13 Year vessel was manufactured or built, or model year, if known;
  - 3.16.1.14 Manufacturer's hull identification number, if any;
  - 3.16.1.15 Overall length of vessel;
  - 3.16.1.16 Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other;
  - 3.16.1.17 Type of vessel (open, cabin, house, etc.);
  - 3.16.1.18 Whether the propulsion is inboard, outboard, inboard-outdrive, jet, or sail with auxiliary engine;
  - 3.16.1.19 Whether the fuel is gasoline, diesel, or other;
  - 3.16.1.20 Social security number, or, if that number is not available, the owner's driver's license number (if the owner is other than an individual, the owner's taxpayer identification number, social security number, or driver's license number); and
  - 3.16.1.21 The signature of the owner.
- 3.16.2 An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items 3.16.1.13 through 3.16.1.20 of 3.16.1 of this section.

### ***3.17 Contents of a Certificate of Number.***

- 3.17.1 Except as allowed in 3.17.2 of this section, each certificate of number shall contain the following information:
- 3.17.1.1 Number issued to the vessel;
  - 3.17.1.2 Expiration date of the certificate;
  - 3.17.1.3 State of principal use;
  - 3.17.1.4 Name of the owner;
  - 3.17.1.5 Address of the owner, including zip code;

- 3.17.1.6 Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;
  - 3.17.1.7 Manufacturer's hull identification number (or the hull identification number issued by the Division), if any;
  - 3.17.1.8 Make of vessel;
  - 3.17.1.9 Year vessel was manufactured;
  - 3.17.1.10 Overall length of vessel;
  - 3.17.1.11 Whether the vessel is an open boat, cabin cruiser, houseboat, etc.;
  - 3.17.1.12 Whether the hull is wood, steel, aluminum, fiberglass, plastic, or other;
  - 3.17.1.13 Whether the propulsion is inboard, outboard, inboard-outdrive, jet, or sail with auxiliary engine;
  - 3.17.1.14 Whether the fuel is gasoline, diesel, or other; and
  - 3.17.1.15 A quotation of the State regulations pertaining to change of ownership or address, documentation, loss, destruction, abandonment, theft or recovery of vessel, carriage of the certificate of number on board when the vessel is in use, rendering aid in a boat accident, and reporting of vessel casualties and accidents.
- 3.17.2 A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit items 3.17.1.7 through 3.17.1.14 of this section if the word "manufacturer" or "dealer" is plainly marked on the certificate.

### ***3.18 Contents of Temporary Certificate.***

A temporary certificate issued pending the issuance of a certificate of number shall contain the following information:

- 3.18.1 Make of vessel;
- 3.18.2 Length of vessel;
- 3.18.3 Type of propulsion;
- 3.18.4 State in which vessel is principally used;
- 3.18.5 Name of owner;
- 3.18.6 Address of owner, including zip code;
- 3.18.7 Signature of owner;
- 3.18.8 Date of issuance; and
- 3.18.9 Notice to the owner that the temporary certificate is invalid after 60 days from the date of issuance.

### ***3.19 Form of Number.***

- 3.19.1 Each number shall consist of the two capital letters "DL" denoting this State as the issuing authority, followed by:

3.19.1.1 Not more than four numerals followed by not more than two capital letters (example: DL 1234 BD); or

3.19.1.2 Not more than three numerals followed by not more than three capital letters (example: DL 567 EFG).

3.19.2 A number suffix shall not include the letters “I”, “O”, or “Q,” which may be mistaken for numerals.

### ***3.20 Size of Certificate of Number.***

Each certificate of number shall be 2½ by 3½ inches.

### ***3.21 Terms and Conditions for Vessel Numbering.***

Except for a recreational-type public vessel of the United States, the State shall condition the issuance of a certificate of number on title to, the original manufacturer’s or importer’s statement or certificate of origin, copy of notarized bill of sale, or other proof of ownership of a vessel.

### ***3.22 Boat Registration Records.***

3.22.1 All valid records shall be filed alphabetically by the last names of owners and numerically by “DL” registration numbers;

3.22.2 Invalid records shall be maintained for three years at which time they shall be destroyed.

### ***3.23 Licensing Agents.***

3.23.1 Pursuant to of 23 Del.C. §2113A(a), the Division may authorize as many qualified persons as licensing agents as it deems necessary to effectuate the efficient distribution of boat registrations. All new licensing agents shall be engaged in both retail sales and repairs of boats as a prerequisite for the issuance of boat registrations.

3.23.2 In reviewing applications from persons engaged in both retail sales and repairs of boats to issue boat registrations, the Division may consider the following factors:

3.23.2.1 The location of the applicant, particularly in relation to other licensing agents;

3.23.2.2 The number of new and unused boats sold annually by the applicant;

3.23.2.3 The number of used boats sold annually by the applicant;

3.23.2.4 The extent to which the applicant advertises the sale and repair of boats;

3.23.2.5 The extent to which the applicant is engaged in the repair of boats;

3.23.2.6 The criminal history of the applicant; and

3.23.2.7 Such other factors as the Division deems appropriate.

### **3.24 Boat Docking Facilities.**

3.24.1 If a vessel to which this regulation applies is used as a boat docking facility, the owner shall contact the Division of Water Resources to determine whether subaqueous lands authorization will also be required. The term “boat docking facility” shall mean a place where vessels may be secured to a fixed or floating structure or to the shoreline or shoreline structure.

## **4.0 Casualty Reporting System Requirements.**

### **4.1 Administration.**

The casualty reporting system of this State shall be administered by the Boating Law Administrator who shall:

- 4.1.1 Provide for the reporting of all casualties and accidents required by 4.2 of this regulation;
- 4.1.2 Receive reports of vessel casualties or accidents prescribed by 4.3 of this regulation;
- 4.1.3 Review accident and casualty reports to assure accuracy and completeness of reporting; and
- 4.1.4 Determine the cause of casualties and accidents reported.

### **4.2 Report of Casualty or Accident.**

- 4.2.1 The operator of a vessel shall submit the casualty or accident report prescribed in 33 CFR § 173.57 to the reporting authority prescribed in 4.4 of this regulation when, as a result of an occurrence that involves the vessel or its equipment:
  - 4.2.1.1 A person dies;
  - 4.2.1.2 A person is injured and requires medical treatment beyond first aid;
  - 4.2.1.3 Damage to the vessel and other property totals more than \$500.00; or
  - 4.2.1.4 A person disappears from the vessel under circumstances that indicate death or injury.
- 4.2.2 A report required by this section shall be made:
  - 4.2.2.1 Immediately if a person dies within 24 hours of the occurrence;
  - 4.2.2.2 Immediately if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and
  - 4.2.2.3 Within 5 days of the occurrence or death if an earlier report is not required by this subsection.
- 4.2.3 When the operator of a vessel cannot submit the casualty or accident report required by 4.2.1 of this section, the owner shall submit the casualty or accident report.



4.2.4 The accident or casualty report completed by a Fish and Wildlife Agent may be substituted to meet the requirements of this section.

### ***4.3 Casualty or Accident Report.***

Each report required by Section 2.0 of this regulation shall be in writing, dated upon completion, and signed by the person who prepared it and shall contain, if available, the information about the casualty or accident required by the Coast Guard pursuant to 33 CFR §173.57.

### ***4.4 Where to Report.***

The report required by 4.2 of this regulation shall be submitted to the Boating Law Administrator, Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, 89 Kings Highway, Dover, Delaware 19901.

### ***4.5 Immediate Notification of Death, Disappearance, or Physical Injury.***

4.5.1 When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel or sustains an injury requiring more than first aid, the operator shall, without delay, by the quickest means available, notify the Division of Fish and Wildlife Enforcement Section, Telephone: 302-739-4580 or 1-800-523-3336, of:

4.5.1.1 The date, time, and exact location of the occurrence;

4.5.1.2 The name of each person who died, disappeared, or sustained an injury;

4.5.1.3 The number and name of the vessel; and

4.5.1.4 The names and addresses of the owner and operator.

4.5.2 When the operator of a vessel cannot give the notice required by 4.5.1 of this section, at least one of the persons on board shall notify the Division of Fish and Wildlife Enforcement Section, Telephone: 302-739-4580 or 1-800-523-3336, or determine that the notice has been given.

### ***4.6 Rendering of Assistance in Accidents. The operator of a vessel involved in an accident shall:***

4.6.1 Render necessary assistance to each individual affected to save that affected individual from danger caused by the accident, so far as the operator can do so without serious danger to the operator's or individual's vessel or to individuals on board; and

4.6.2 Give the operator's name and address and identification of the vessel to the operator or individual in charge of any other vessel involved in the accident, to any individual injured, and to the owner of any property damaged.

## 5.0 Water Skiing

### 5.1 Water Skiing.

5.1.1 No person shall operate a vessel on any waters of this State for purposes of towing a person on water skis unless there is in such vessel a competent person, in addition to the operator, in a position to observe the progress of the person being towed. The observer shall be considered competent if he/she can, in fact, observe the person being towed and relay any signals from the person being towed to the operator. This subsection shall not apply to Class A vessels operated by the person being towed and designed to be incapable of carrying the operator in or on the vessel.

5.1.2 No person shall engage in water skiing unless such person is wearing a Type I, Type II, Type III, or Type V PFD. This provision shall not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an official regatta, boat race, marine parade, tournament, or exhibition.

#### Hand Signals for Skiers

Knowing proper hand signals will help the skier(s) communicate with their boat operator or the observer.



**Skier OK**



**Back to dock**



**Skier down—watch!**



**Speed up**



**Slow down**



**Speed OK**



**Turn left**



**Turn right**



**Stop**

- 5.1.3 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged on any waters of this State with a tow line that exceeds 75 feet.
- 5.1.4 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged on any waters of this State on which water skiing is prohibited.
- 5.1.5 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged between sunset and sunrise.
- 5.1.6 The operator of a vessel towing a water skier shall comply with all laws and regulations as they pertain to the individual's class of vessel and shall maneuver the vessel in a careful and prudent manner, so as not to interfere with other vessels or obstruct any channel or normal shipping lane, and maintain reasonable distance from persons and property, so as not to endanger the life or property of any person.
- 5.1.7 No person shall engage in water skiing in such a manner as to strike or threaten to strike any person, vessel, or property, and no person shall operate a vessel or manipulate a tow line or other towing device in such a manner as to cause a water skier to strike or threaten to strike another person, vessel, or property.
- 5.1.8 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged within one hundred (100) feet of any person in the water, a pier, dock, float, wharf, or vessel anchored or adrift, or in any direction of boat launching ramps, both public and private.

## ***5.2 Prohibited Water Skiing Areas.***

- 5.2.1 Water skiing shall be prohibited in the following areas:
  - 5.2.1.1 The Rehoboth-Lewes Canal, in its entirety;
  - 5.2.1.2 The channel through Masseys Landing from Buoy No. 12 off Bluff Point to Buoy No. 19A;
  - 5.2.1.3 The Assawoman Canal, in its entirety;
  - 5.2.1.4 The Indian River Inlet between Buoy No. 1 and the Coast Guard Station;
  - 5.2.1.5 Roosevelt Inlet from 100 yards off jetty entrance to the Canal;
  - 5.2.1.6 White Creek south of Marker No. 9A; and
  - 5.2.1.7 Any marked swimming areas, unless authorized by a special permit issued by the Department.

## **6.0 Vessel Speed**

### ***6.1 Safe Boat Speed.***

- 6.1.1 Every vessel shall at all times proceed at a safe speed so that she can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.

- 6.1.2 The speed of all vessels on the waters of this State shall be limited to a Slow-No-Wake speed when within 100 feet of:
- 6.1.2.1 Any shoreline where “Slow-No-Wake” signs have been erected by the Department;
  - 6.1.2.2 Floats;
  - 6.1.2.3 Docks;
  - 6.1.2.4 Launching ramps;
  - 6.1.2.5 Marked swimming areas;
  - 6.1.2.6 Swimmers; or
  - 6.1.2.7 Anchored, moored, or drifting vessels.
- 6.1.3 No person shall operate a vessel at a rate of speed greater than is reasonable having regard to conditions and circumstances such as the closeness of the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use.

## ***6.2 Responsibility of Operator.***

The operator of any vessel on the waters of this State shall be legally responsible for injuries, damages to life, limb, or property caused by his/her vessel or vessel wake.

## **7.0 Negligent Operation of a Vessel**

### ***7.1 Negligent Operation.***

- 7.1.1 No person shall operate any vessel on the waters of this State in a negligent manner.
- 7.1.2 The following actions shall constitute a violation of subsection 7.1.2 of this section:
- 7.1.2.1 Failure to reduce speed in areas where boating is concentrated, endangering life, limb, and/or property;
  - 7.1.2.2 Operating at excessive speed at times of restricted visibility;
  - 7.1.2.3 Operating at excessive speed when maneuvering room is restricted by narrow channels or when vision is obstructed by such things as jetties, land, or other vessels;
  - 7.1.2.4 Impeding the right-of-way of a stand-on or privileged vessel so as to endanger risk of collision;
  - 7.1.2.5 Towing a water skier in a restricted area or where an obstruction exists;
  - 7.1.2.6 Operating a vessel within swimming areas when bathers are present;
  - 7.1.2.7 Operating a vessel in areas posted as closed to vessels due to hazardous conditions;
  - 7.1.2.8 Operating a vessel through an area where a regatta or marine parade is in progress in a way that could present a hazard to participants or spectators and interfere with the safe conduct of the event;

- 7.1.2.9 Operating a vessel with any person sitting on the bow, gunwales, or stern with legs hanging over the side, except a sailboat equipped with lifelines while engaged in a race for which a permit has been secured under of 23 Del.C. §2120;
- 7.1.2.10 Operating a vessel or use any water skis while under the influence of alcohol, any narcotic drug, barbiturate, marijuana, or hallucinogen;
- 7.1.2.11 Loading a vessel with passengers or cargo beyond its safe carrying capacity;
- 7.1.2.12 Operating a vessel with an engine of a higher horsepower rating than the rating noted on the vessel's capacity plate or in the manufacturer's specifications; and
- 7.1.2.13 Other actions deemed by an enforcement officer to be in violation of 7.1.1 of this section.

## **8.0 Termination of Unsafe Use of a Vessel**

### ***8.1 Especially Hazardous Conditions.***

Especially hazardous conditions warranting termination of voyage shall include, but not be limited to:

- 8.1.1 Insufficient number of Coast Guard approved PFDs;
- 8.1.2 Insufficient fire-extinguishing equipment;
- 8.1.3 Overloaded beyond manufacturer's recommended safe loading capacity;
- 8.1.4 Failure to display required navigation lights;
- 8.1.5 Fuel leakage from either the fuel system or engine;
- 8.1.6 Fuel accumulation in the bilges;
- 8.1.7 Failure to meet ventilation requirements for tank and engine spaces;
- 8.1.8 Improper backfire flame control;
- 8.1.9 Excessive leakage or accumulation of water in bilges;
- 8.1.10 Deteriorated condition of vessel; or
- 8.1.11 Any other condition deemed hazardous by an enforcement officer.

### ***8.2 Enforcement.***

- 8.2.1 Enforcement officers shall, if a violation of this regulation is observed, and in their judgment such a deficiency creates an especially hazardous condition to the occupants of the vessel, direct the operator to take specific steps to correct the unsafe condition.
- 8.2.2 Compliance by operator. - Immediate compliance by the operator is required for safety purposes. Failure to comply with the directives of an enforcement officer shall result in a citation under 1.3 as well as for the specific violation which created the unsafe condition.

## 9.0 Minimum Required Equipment for Vessels Using State Waters

### 9.1 General

#### 9.1.1 Applicability.

9.1.1.1 This regulation does not apply to:

9.1.1.1.1 Military or public vessels of the United States, other than recreational-type public vessels; and

9.1.1.1.2 A vessel used exclusively as a ship's lifeboat.

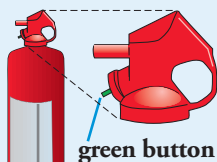
9.1.1.2 9.2.1 of this regulation prescribes general provisions applicable to all vessels covered by this regulation.

Section 9.3 prescribes minimum required equipment for recreational vessels used on the waters of this State. Section 9.4 prescribes minimum required equipment for vessels other than recreational vessels that are not required to be documented.

### Fire Extinguisher Type and Condition

- ◆ Extinguishers are classified by a letter and number symbol. The number indicates the relative size of the extinguisher and the letter indicates the type and size of fire it will extinguish:
  - **Type A** fires are of combustible solids like wood.
  - **Type B** fires are of flammable liquids like gasoline.
  - **Type C** fires are electrical fires.
- ◆ Approved types of fire extinguishers are identified by the following marking on the label “Marine Type USCG Approved,” followed by the size and type symbols and the approval number.

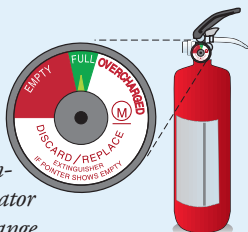
#### Fire Extinguisher Charge Indicators



*To check this style of extinguisher, depress the green button. If it is fully charged, the green button should pop back out immediately.*

*Check the charge level of your fire extinguishers regularly. Replace them immediately if they are not fully charged.*

*On this style of fire extinguisher, the needle indicator should be in the “full” range.*



## ***9.2 Provisions Applicable to All Vessels Covered by this Regulation.***

### **9.2.1 Fire-Extinguishing Equipment.**

- 9.2.1.1 All hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be Coast Guard approved pursuant to 46 CFR §25.30-5.
- 9.2.1.2 All required hand portable fire extinguishers and semiportable fire extinguishing systems shall be of the “B” type; i.e., suitable for extinguishing fires involving flammable liquids such as gasoline, oil, etc., where a blanketing or smothering effect is essential. The number designations for size will start with “I” for the smallest to “V” for the largest. For the purpose of this regulation, only sizes I through III will be considered. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable fire extinguishers and semiportable fire extinguishing systems are set forth in the following table:

#### **Fire Extinguisher Requirements**

<b>Classification</b> type & size	<b>Foam</b> minimum gallons	<b>Carbon Dioxide</b> minimum pounds	<b>Dry Chemical</b> minimum pounds
B-I	1 ¼	4	2
B-II	2 ½	15	10
B-III	12	35	20

- 9.2.1.3 All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.
- 9.2.1.4 Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporizing liquids are not acceptable as equipment required by this part.
- 9.2.1.5 Hand portable or semiportable extinguishers which are required on their name plates to be protected from freezing shall not be located where freezing temperatures may be expected.
- 9.2.1.6 The use of dry chemical, stored pressure, fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, may be permitted on motorboats and other vessels so long

as such extinguishers are maintained in good and serviceable condition. The following maintenance and inspections are required for such extinguishers:

- 9.2.1.6.1 When the date on the inspection record tag on the extinguisher shows that 6 months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions;
  - 9.2.1.6.2 If the weight of the container is  $\frac{1}{4}$  ounce less than that stamped on the container, it shall be serviced;
  - 9.2.1.6.3 If the outer seal or seals (which indicate tampering or use when broken) are not intact, an enforcement officer may inspect such extinguisher to see that the frangible disc in the neck of the container is intact; and if such disc is not intact, the container shall be serviced; and
  - 9.2.1.6.4 If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced with a new one and the extinguisher shall be properly serviced or the extinguisher shall be replaced with another approved extinguisher.
- 9.2.1.7 Fire extinguishers shall be at all times kept in a condition for immediate and effective use, and shall be so placed as to be readily accessible.

## 9.2.2 Backfire Flame Control.

- 9.2.2.1 Applicability. - This section applies to every gasoline engine installed in a motorboat or motor vessel after April 25, 1940, except outboard motors.
- 9.2.2.2 Installations made before November 19, 1952, need not meet the detailed requirements of this section and may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable requirements of this section.
- 9.2.2.3 Installations consisting of backfire flame arrestors or engine air and fuel induction systems bearing basic Approval Nos. 162.015 or 162.041 or engine air and fuel induction systems bearing basic Approval Nos. 162.015 or 162.042, may be continued in use as long as they are serviceable and in good condition. New installations or replacements shall meet the applicable requirements of this section.



9.2.2.4 No person may use a vessel to which this section applies unless each engine is provided with an acceptable means of backfire flame control. The following are acceptable means of backfire flame control:

9.2.2.4.1 A backfire flame arrestor complying with Society of Automotive Engineers (SAE) Standard J-1928 or Underwriters Laboratories (UL) Standard 1111 and marked accordingly. The flame arrestor shall be suitably secured to the air intake with a flame tight connection;

9.2.2.4.2 An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an approved backfire flame arrestor. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrestor, shall either include a reed valve assembly or be installed in accordance with SAE Standard J-1928; and

9.2.2.4.3 An arrangement of the carburetor or engine air induction system that will disperse any flames caused by engine backfire. The flames must be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine air induction system. All attachments shall be of metallic construction with flamtight connections and firmly secured to withstand vibration, shock, and engine backfire.

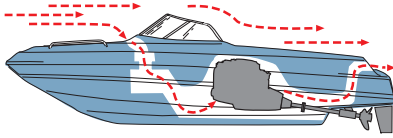
9.2.2.5 No person may use a vessel to which this section applies unless the backfire flame arrestor is serviceable and in good condition.

### 9.2.3 Ventilation.

9.2.3.1 Applicability. - This section applies to motorboats, motor vessels, and boats used on the waters of this State and subject to this regulation.

9.2.3.2 No person shall operate a motorboat or motor vessel, except an open boat, built after April 25, 1940, and before August 1, 1980, which uses fuel having a flash point of 110°F, or less, without every engine and fuel tank compartment being equipped with a natural ventilation system. A natural ventilation system consists of:

9.2.3.2.1 At least two ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment;



9.2.3.2.2 At least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least one intake duct that is installed to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake; and

9.2.3.2.3 The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.

9.2.3.3 Boats built after July 31, 1978, shall be exempt from the requirements of 9.2.3.1 of this section for fuel tank compartments that:

9.2.3.3.1 Contain a permanently installed fuel tank if each electrical component is ignition protected in accordance with 33 CFR § 183.410(a); and

9.4.1.3.2 Contain fuel tanks that vent to the outside of the motorboat or motor vessel.

9.2.3.4 Boats built after July 31, 1980, or which are in compliance with the Coast Guard Ventilation Standard, a manufacturer requirement (33 CFR §§183.610 and 183.620), shall be exempt from the requirements of 9.2.3.2 and 9.2.3.4 of this section.

9.2.3.5 No person shall operate a boat after July 31, 1980, that has a gasoline engine for electrical generation, mechanical power or propulsion unless it is equipped with an operable ventilation system that meets the requirements of 33 CFR §§183.610(a), (b), (d), (e) and (f) and 183.6209(a).

9.2.3.6 Boat owners shall maintain their boats' ventilation systems in good operating condition (regardless of the boat's date of manufacture).

#### 9.2.4 Whistles and Bells.

9.2.4.1 A vessel of 12 meters (39.4 ft.) or more in length shall be equipped with a whistle and a bell. The whistle and bell shall comply with the specifications in Annex III to the Inland Navigation Rules

## Common Sound Signals

### Changing Direction

- ◆ **One short blast** tells other boaters
  - If inland: "I intend to turn to my right."
  - If international: "I am turning to my right."
- ◆ **Two short blasts** tells other boaters
  - If inland: "I intend to turn to my left."
  - If international: "I am turning to my left."
- ◆ **Three short blasts** tells other boaters "I am backing up."

### Restricted Visibility

- ◆ **One prolonged blast** at intervals of not more than two minutes is the signal used by powerboats when underway.
- ◆ **One prolonged plus two short blasts** at intervals of not more than two minutes is the signal used by sailboats under sail alone.

### Warning

- ◆ **One prolonged blast** is a warning signal (for example, used when coming around a blind bend or exiting a slip).
- ◆ **Five (or more) short, rapid blasts** are to signal danger or that you do not understand the other boater's intentions.

(33 CFR Part 86). The bell may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

9.2.4.2 A vessel of less than 12 meters (39.4 ft.) in length shall be equipped with a whistle or horn, or some other sounding device capable of making an efficient sound signal.

### 9.2.5 Visual Distress Signals.

9.2.5.1 Applicability. - This section applies to all boats operated on the coastal waters of this State and those waters connected directly to them (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds 2 nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to 2 miles.

9.2.5.2 Prohibition. - Unless exempted by subsection 4.2.3 of this section, no person may use a boat to which this section applies unless visual distress signals, approved by the Commandant of the Coast Guard under 46 CFR Part 160 or certified by the manufacturer under 46 CFR Parts 160 and 161, in the number required, are on board. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, shall be carried.

9.2.5.3 Exemptions. - The following boats shall be exempt from the carriage requirements of 9.2.5.2 of this section between sunrise and sunset, but between sunset and sunrise, visual distress signals suitable for night use, in the number required, shall be on board:

9.2.5.3.1 Boats less than 16 feet in length;

9.2.5.3.2 Boats participating in organized events such as races, regattas, or marine parades;

9.2.5.3.3 Open sailboats less than 26 feet in length not equipped with propulsion machinery; and

9.2.5.3.4 Manually propelled boats.

9.2.5.4 Launchers. - When a visual distress signal carried to meet the requirements of this section requires a launcher to activate, then a launcher approved by the Coast Guard under 46 CFR §160.028 shall also be carried. Launchers manufactured before January 1, 1981, which do not have approval numbers are acceptable for use with meteor or parachute signals as long as they remain in serviceable condition.

9.2.5.5 Visual distress signals accepted. - Any of the following signals when carried in the number required, can be used to meet the requirements of this section:

9.2.5.5.1 An electric distress light meeting the standards of 46 CFR §161.013. One is required to meet the night only requirement;

9.2.5.5.2 An orange flag meeting the standards of 46 CFR §160.072. One is required to meet the day only requirement;

9.2.5.6 Pyrotechnics meeting the standards noted in the following table:

Approval #. Under 46 CFR	Device Description	Meets Requirements For	# Required
§ 160.021	Hand-Held Red Flares 1	Day and Night	3
§ 160.022	Floating Orange Smoke	Day Only	3
§ 160.024	Parachute Red Flare 2	Day and Night	3
§ 160.036	Hand-Held Rocket- Propelled Parachute Red Flare	Day and Night	3
§ 160.037	Hand-Held Orange Smoke	Day Only	3
§ 160.057	Floating Orange Smoke	Day Only	3
§ 160.066	Red Aerial Pyrotechnic Flare 3	Day and Night	3

1 Must have manufacture date of October 1980 or later.  
2 These signals require use in combination with a suitable launching device.  
3 These devices may be either meteor or parachute assisted type. Some may require use in combination with a suitable launching device.

9.2.5.7 Any combination of signal devices selected from the types noted in paragraphs 9.2.5.5.1, 9.2.5.5.2 and 9.2.5.5.3 of this section, when carried in the number required, may be used to meet both day and night requirements. (The following illustrates the variety and combination of devices which can be carried to meet both day and night requirements: three hand-held red flares; one hand-held red flare and two parachute flares; or three hand-held orange smoke signals with one electric distress light.)

9.2.5.8 Stowage, serviceability, approval and marking. - No person may use a boat unless the visual distress signals required by this section are:

9.2.5.8.1 Readily accessible;

9.2.5.8.2 In serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired;

9.2.5.8.3 Legibly marked with the approval number or certification statement as specified in 46 CFR Parts 160 and 161; and

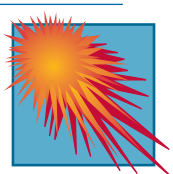
9.2.5.8.4 In sufficient quantity as required by the Coast Guard.

9.2.5.9 Prohibited use. - No person in a boat shall display a visual distress signal on waters to which this section applies under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

## Pyrotechnic Visual Distress Signals



**Orange Smoke**  
*Day Signal*



**Red Meteor**  
*Day and Night Signal*



**Red Flare**  
*Day and Night Signal*

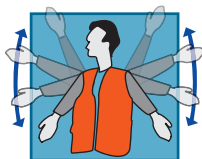
## Non-Pyrotechnic Visual Distress Signals



**Electric Light**  
*Night Signal*



**Orange Flag**  
*Day Signal*



**Arm Signal**

*Although this signal does not meet VDS equipment requirements, wave your arms to summon help if you do not have other distress signals on board.*

## 9.3 Minimum Required Equipment for Recreational-Type Vessels.

### 9.3.1 Personal Flotation Devices.

9.3.1.1 Except as provided in 9.3.2 of this part, no person may use a recreational vessel unless at least one PFD of the following types is on board for each person:

9.3.1.1.1 Type I PFD;

9.3.1.1.2 Type II PFD; or

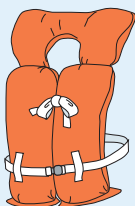
9.3.1.1.3 Type III PFD.

9.3.1.2 No person may use a recreational vessel 16 feet or more in length unless one Type IV PFD is on board in addition to the total number of PFDs required in 9.3.1.1 of this section.



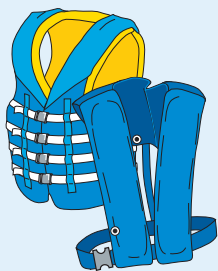
#### TYPE I: Offshore Life Jackets

These vests are geared for rough or remote waters where rescue may take awhile. They provide the most buoyancy, are excellent for flotation, and will turn most unconscious persons face up in the water.



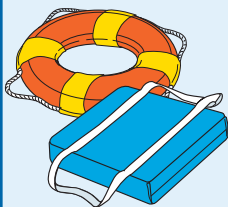
#### TYPE II: Near-Shore Vests

These vests are good for calm waters when quick rescue is likely. A Type II may not turn some unconscious wearers face up in the water.



#### TYPE III: Flotation Aids

These vests or full-sleeved jackets are good for calm waters when quick rescue is likely. They are not recommended for rough waters since they will not turn most unconscious persons face up.



#### TYPE IV: Throwable Devices

These cushions and ring buoys are designed to be thrown to someone in trouble. Since a Type IV is not designed to be worn, it is neither for rough waters nor for persons who are unable to hold onto it.



#### TYPE V: Special-Use Devices

These vests, deck suits, hybrid PFDs, and others are designed for specific activities such as windsurfing, kayaking, or water-skiing. *To be acceptable, Type V PFDs must be used in accordance with their label.*

9.3.1.3 A Type V PFD may be carried in lieu of any PFD required under 9.3.1.1 and 9.3.1.2 of this section, provided:

9.3.1.3.1 The approval label on the Type V PFD indicates that the device is approved:

9.3.1.3.1.1 For the activity in which the vessel is being used; or

9.3.1.3.1.2 As a substitute for a PFD of the Type required in the vessel in use;

9.3.1.3.2 The PFD is used in accordance with any requirements on the approval label; and

9.3.1.3.3 The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.

9.3.1.4 A Type V hybrid PFD may satisfy the carriage requirements provided it is worn except when the boat is not underway or when the user is below deck.

## 9.3.2 Exceptions

9.3.2.1 Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional Type IV PFD required under 9.3.1.2 of this part.

9.3.2.2 Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any Type PFD required under 9.3.1 of this part.

9.3.2.3 Sailboards are exempted from the requirements for carriage of any Type PFD required under 9.3.1 of this part.

## 9.3.3 Stowage, Condition, and Marking of PFDs.

9.3.3.1 No person may use a recreational vessel unless each Type I, II, or III PFD required by 9.3.1.1 of this part, or equivalent Type allowed by 9.3.1.3 of this part, is readily accessible.

9.3.3.2 No person may use a recreational vessel unless each Type IV PFD required by 9.3.1.2 of this part, or equivalent Type allowed by 9.3.1.3 of this part, is immediately available.

9.3.3.3 No person may use a recreational vessel unless each PFD required by 9.3.2.3 of this part or allowed by 9.3.1.2 of this part is:

9.3.3.3.1 In serviceable condition, as defined by 33 CFR §175.23;

9.3.3.3.2 Of an appropriate size and fit for the intended wearer, as marked on the approval label; and

9.3.3.3.3 Legibly marked with its Coast Guard approval number, as specified in 46 CFR Part 160.

### 9.3.4 Fire-Extinguishing Equipment Required.

- 9.3.4.1 Motorboats less than 26 feet in length with no fixed fire extinguishing system installed in machinery spaces shall carry at least one Type B-I approved hand portable fire extinguisher. When an approved fixed fire extinguishing system is installed in machinery spaces, a portable extinguisher is not required. If the construction of the motorboat does not permit the entrapment of explosive or flammable gases or vapors, no fire extinguisher is required.
- 9.3.4.2 Motorboats 26 feet to less than 40 feet in length shall carry at least two Type B-I approved hand portable fire extinguishers or at least one Type B-II approved portable fire extinguisher. When an approved fixed fire extinguishing system is installed, one less Type B-I extinguisher is required.
- 9.3.4.3 Motorboats 40 feet to not more than 65 feet in length shall carry at least three Type B-I approved hand portable fire extinguishers or at least one Type B-I and one Type B-II approved portable fire extinguisher. When an approved fixed fire extinguishing system is installed, one less Type B-I extinguisher is required.
- 9.3.4.4 Motorboats 65 feet and over used for recreational purposes shall carry fire extinguishing equipment as prescribed under 9.4.3.2 of this regulation.

Length by Class	Without Fixed System	With Fixed System*
Less than 16 ft.	one B-I	None
16 ft. to less than 26 ft.	one B-I	None
26 ft. to less than 40 ft.	two B-I <i>or</i> one B-II	one B-I
40 ft. and over	three B-I <i>or</i> one B-II and one B-I	two B-I <i>or</i> one B-II

\* refers to a permanently installed fire extinguisher system

9.3.4.5 Motorboats are required to carry fire extinguishers if any one of the following conditions exist:

- 9.3.4.5.1 Inboard engines;
- 9.3.4.5.2 Closed compartments and compartments under seats wherein portable fuel tanks may be stored;
- 9.3.4.5.3 Double bottoms not sealed to the hull or which are not completely filled with flotation material;
- 9.3.4.5.4 Closed living spaces;
- 9.3.4.5.5 Closed stowage compartments in which combustible or flammable materials are stowed; or
- 9.3.4.5.6 Permanently installed fuel tanks. (Fuel tanks secured so they cannot be moved in



case of fire or other emergency are considered permanently installed.)

9.3.4.6 Motorboats contracted for prior to November 19, 1952, shall meet the applicable provisions of this section insofar as the number and general type of equipment is concerned. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service so long as they are in good condition. All new installations and replacements shall meet the requirements of this section.

## ***9.4 Life-Saving Equipment for Commercial Vessels not Documented.***

9.4.1 Applicability. This part applies to each vessel to which this regulation applies except:

9.4.1.1 Vessels used for noncommercial use;

9.4.1.2 Vessels leased, rented, or chartered to another for the latter's noncommercial use; or

9.4.1.3 Commercial vessels propelled by sail not carrying passengers for hire; or

9.4.1.4 Commercial barges not carrying passengers for hire.

9.4.2 Life Preservers and Other Life-Saving Equipment Required.

9.4.2.1 No person may operate a vessel to which Section 9.4.1 of this part applies unless it meets the requirements of this section.

9.4.2.2 Each vessel not carrying passengers for hire, less than 40 feet in length, shall have at least one life preserver (Type I PFD), buoyant vest (Type II PFD), or marine buoyant device intended to be worn (Type III PFD), of a suitable size for each person on board. Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by 46 CFR §§ 160.062 and 160.005 are not acceptable as equipment required by this subsection.

9.4.2.3 Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire shall have at least one life preserver (Type I PFD) of a suitable size for each person on board. Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by 46 CFR §§ 160.062 and 160.005 are not acceptable as equipment required by this subsection.

9.4.2.4 In addition to the equipment required by 9.4.2.2 or 9.4.2.3 of this section, each vessel 26 feet in length or longer shall have at least one Coast Guard approved ring life buoy.

9.4.2.5 Each vessel not carrying passengers for hire may substitute an exposure suit (or immersion suit) for a life preserver, buoyant vest, or marine buoyant device required under 9.4.2.2 or 9.4.2.3 of this section. Each exposure suit carried in accordance with this paragraph shall be Coast Guard approved.

9.4.2.6 On each vessel, regardless of length and regardless of whether carrying passengers for hire, a commercial hybrid PFD may be substituted for a life preserver, buoyant vest, or marine buoyant device required under 9.4.2.2 or 9.4.2.3 of this section if it is:

9.4.2.6.1 In the case of a Type V commercial hybrid PFD, worn when the vessel is underway and the intended wearer is not within an enclosed space;

9.4.2.6.2 Used in accordance with the conditions marked on the PFD and in the owner's manual; and

9.4.2.6.3 Labeled for use on uninspected commercial vessels.

9.4.2.7 The life-saving equipment required by this section shall be legibly marked.

9.4.2.8 The life-saving equipment designed to be worn required in 9.4.2.2, 9.4.2.3, and 9.4.2.4 of this section shall be readily accessible.

9.4.2.8 The life-saving equipment designed to be thrown required by 9.4.2.4 of this section shall be immediately available.

9.4.2.9 The life-saving equipment required by this section shall be in serviceable condition.

#### 9.4.3 Fire-Extinguishing Equipment Required.

##### 9.4.3.1 Motorboats.

9.4.3.1.1 Motorboats less than 26 feet in length shall abide by 9.4.3.1 of this regulation.

9.4.3.1.2 Motorboats 26 feet in length to less than 40 feet in length shall abide by 9.3.4.1 of this regulation.

9.4.3.1.3 Motorboats 40 feet in length to less than 65 feet in length shall abide by 9.3.4.3 of this regulation.

##### 9.4.3.2 Motor Vessels.

9.4.3.2.1 Motor vessels less than 50 gross tonnage shall carry one Type B-II approved hand portable fire extinguisher.

9.4.3.2.2 Motor vessels 50 and not over 100 gross tonnage shall carry two Type B-II approved hand portable fire extinguishers.

9.4.3.2.3 Motor vessels 100 and not over 500 gross tonnage shall carry three Type B-II approved hand portable fire extinguishers.

- 9.4.3.2.4 Motor vessels 500 but not over 1,000 gross tonnage shall carry six Type B-II approved hand portable fire extinguishers.
- 9.4.3.2.5 Motor vessels over 1,000 gross tonnage shall carry eight Type B-II approved hand portable fire extinguishers.
- 9.4.3.3 In addition to the hand portable fire extinguishers required by 9.4.3.2 of this section, the following fire-extinguishing equipment shall be fitted in the machinery space:
  - 9.4.3.3.1 One Type B-II hand portable fire extinguisher shall be carried for each 1,000 B. H. P. of the main engines or fraction thereof. However, not more than six such extinguishers need be carried.
  - 9.4.3.3.2 On motor vessels over 300 gross tons, either one Type B-III semiportable fireextinguishing system shall be fitted, or alternatively, a fixed fire-extinguishing system shall be fitted in the machinery space.
- 9.4.3.4 Barges carrying passengers.
  - 9.4.3.4.1 Every barge 65 feet in length or less while carrying passengers when towed or pushed by a motorboat, motor vessel or steam vessel shall be fitted with hand portable fire extinguishers as required by this 9.3.4 of this regulation, depending upon the length of the barge.
  - 9.4.3.4.2 Every barge over 65 feet in length while carrying passengers when towed or pushed by a motorboat, motor vessel or steam vessel shall be fitted with hand portable fire extinguishers as required by this section, depending upon the gross tonnage of the barge.

## **10.0 Boat Ramps and Parking Lots Administered by Division**

***10.1 Applicability. This regulation applies to boat ramps, parking lots, and seawalls or other mooring facilities administered by the Division.***

### ***10.2 Boat Ramps and Mooring Facilities.***

- 10.2.1 Whoever uses a boat ramp, seawall, or other mooring facility shall do so on a first-come, first-serve basis.
- 10.2.2 No person shall leave a vessel unattended at any seawall or other mooring facility. Disabled vessels shall clear the area as soon as possible.
- 10.2.3 No person shall use any seawall or other mooring facility except for vessels loading and unloading and as a holding area for vessels waiting to use boat ramps.

- 10.2.4 No person shall moor or conduct repairs to a vessel in any area which interferes with vessel traffic at a boat ramp. Ramp space shall be kept clear at all times for usage of vessels being launched or recovered.
- 10.2.5 Vessels left abandoned at any seawall or other mooring facility or found adrift shall be removed at the owner's expense. Vessels left unattended at any seawall or other mooring facility in excess of 48 hours without contacting the Division or a Fish and Wildlife Agent shall be deemed abandoned.

### **10.3 Parking Lots.**

- 10.3.1 No person shall park a vehicle or boat trailer in an undesignated parking space.
- 10.3.2 No person shall park, stop, or stand a vehicle or boat trailer in front of a boat ramp except in designated areas.
- 10.3.3 No person shall park a vehicle or boat trailer in such a manner as to impede traffic.
- 10.3.4 No person shall camp overnight in a parking lot.
- 10.3.5 No person shall abandon a vehicle or boat trailer in a parking lot. If a vehicle or boat trailer is abandoned, it will be removed at the owner's expense. Vehicles or boat trailers left unattended in a parking lot for in excess of 48 hours without contacting the Division or a Fish and Wildlife Agent shall be deemed abandoned.
- 10.3.6 Operators of emergency vehicles shall have priority over all other vehicles. Vessel operators shall clear passage for emergency vehicles on their approach or when directed by an enforcement officer.

## **11.0 Navigation Lights**

### **11.1 Applicability.**

- 11.1.1 Except for vessels used by enforcement officers for law enforcement purposes, this regulation applies to all vessels used on the waters of this State.
- 11.1.2 Vessels over 20 meters (65.6 ft.) in length and vessels listed below shall display lights and exhibit shapes in accordance with the International or Inland Navigation Rules and Annexes (Commandant Instruction M16672.2C):
- 11.1.2.1 Vessels towing, pushing, or being towed or pushed;
  - 11.1.2.2 Vessels engaged in fishing;
  - 11.1.2.3 Vessels not under command;
  - 11.1.2.4 Vessels restricted in their ability to maneuver;
  - 11.1.2.5 Pilot vessels; or
  - 11.1.2.6 Air-cushion vessels.

## ***11.2 Visibility of lights.***

- 11.2.1 The lights required by this section shall have an intensity so as to be visible at the following ranges:
  - 11.2.1.1 In a vessel of 12 meters (39.4 ft.) or more in length but less than 50 meters (164 ft.) in length:
    - 11.2.1.1.1 A masthead light, 5 miles; except that where the length of the vessel is less than 20 meters (65.6 ft.), 3 miles;
    - 11.2.1.1.2 sidelight, 2 miles;
    - 11.2.1.1.3 A sternlight, 2 miles;
    - 11.2.1.1.4 A towing light, 2 miles;
    - 11.2.1.1.5 A white, red, green or yellow all-round light, 2 miles; and
    - 11.2.1.1.6 A special flashing light, 2 miles.
  - 11.2.1.2 In a vessel of less than 12 meters (39.4 ft.) in length:
    - 11.2.1.1.1 A masthead light, 2 miles;
    - 11.2.1.1.2 A sidelight, 1 mile;
    - 11.2.1.1.3 A sternlight, 2 miles;
    - 11.2.1.1.4 A towing light, 2 miles;
    - 11.2.1.1.5 A white, red, green or yellow all-round light, 2 miles; and
    - 11.2.1.1.6 A special flashing light, 2 miles.
- 11.3 Prohibition.
  - 11.3.1 No person may use a vessel to which this regulation applies without carrying and exhibiting the lights required in 11.4 of this regulation and of the intensity required in 11.2 of this regulation:
    - 11.3.1.1 When underway or at anchor;
    - 11.3.1.2 In all weathers from sunset to sunrise; and
    - 11.3.1.3 During times of restricted visibility.
  - 11.3.2 No person may use a vessel to which this regulation applies which exhibits other lights which may be mistaken for those required in Section 4 of this regulation during such time as navigation lights are required.
  - 11.3.3 No person may use a vessel to which this regulation applies unless it carries and exhibits the light or day shapes required in the International or Inland Navigational Rules and Annexes (Commandant Instruction M16672.2C) for vessels used under special circumstances defined therein.
- 11.4 Navigation Lights Required.
  - 11.4.1 Power-driven vessels underway in international and inland waters shall exhibit:
    - 11.4.1.1 A masthead light forward;
    - 11.4.1.2 A second masthead light abaft of and higher than the forward one; except that in

inland waters a vessel of less than 50 meters (164 ft.) in length shall not be obliged to exhibit such light but may do so;

11.4.1.3 Sidelights; and

11.4.1.4 A sternlight.

11.4.2 Power-driven vessels underway in international waters:

11.4.2.1 Power-driven vessels of less than 12 meters (39.4 ft.) in length may in lieu of the lights prescribed in 11.4.1 of this section exhibit an all-round white light and sidelights;

11.4.2.2 Power-driven vessels of less than 7 meters (23 ft.) in length whose maximum speed does not exceed 7 knots may in lieu of the lights prescribed in 11.4.1 of this section exhibit an all-round white light and shall, if practicable, also exhibit sidelights; and

11.4.2.3 The masthead light or all-round white light on a power-driven vessel of less than 12 meters (39.4 ft.) in length may be displaced from the fore and aft centerline of the vessel if centerline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centerline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.

11.4.3 Power-driven vessels underway in inland waters shall exhibit the same light for vessels in 11.4.1 of this section except:

11.4.3.1 A vessel of less than 12 meters (39.4 ft.) in length may, in lieu of the lights prescribed in 11.4.1 of this section, exhibit an all-round white light and sidelights.

11.4.3.2 A vessel of less than 20 meters (65.6 ft.) in length need not exhibit the masthead light forward of amidships but shall exhibit it as far forward as practicable.

11.4.4 Sailing vessels underway and vessels under oars in international and inland waters:

11.4.4.1 A sailing vessel underway shall exhibit:

11.4.4.1.1 Sidelights; and

11.4.4.1.2 A sternlight.

11.4.4.2 In a sailing vessel of less than 20 meters (65.6 ft.) in length, the lights prescribed in 11.4.4.1 of this section may be combined in one lantern carried at or near the top of the mast where it can best be seen.

## 1. Power-Driven Vessels Less Than 65.6 Feet



*The masthead light and sternlight may be combined as an all-round white light on vessels less than 39.4 feet long.*



## 2. Unpowered Vessels Less Than 65.6 Feet



*An alternative to the sidelights and sternlight is a combination red, green, and white light, which must be exhibited near the top of the mast.*

## 3. Unpowered Vessels Less Than 23.0 Feet



*Vessel operators should never leave shore without a flashlight. Even if you plan to return before dark, unforeseen developments might delay your return past nightfall.*

11.4.4.3 A sailing vessel underway may, in addition to the lights prescribed in 11.4.4.1 of this section, exhibit at or near the top of the mast, where they can best be seen, two all-round lights in a vertical line, the upper being red and the lower being green, but these lights shall not be exhibited in conjunction with the combined lantern permitted in paragraph (d) (2) of this section.

11.4.4.4 A sailing vessel of less than 7 meters (23 ft.) in length shall, if practicable, exhibit the lights prescribed in 11.4.4.1 or 11.4.4.2 of

this section, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

11.4.4.5 A vessel under oars may exhibit the lights prescribed in this section for sailing vessels, but if she does not, she shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.

11.4.4.6 A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward. When upon inland waters, a vessel of less than 12 meters (39.4 ft.) in length is not required to exhibit this shape.

#### 11.4.5 Anchored vessels:

11.4.5.1 International and Inland. - Vessels at permanent moorings are not required to display an anchor light.

11.4.5.2 International and Inland. - A vessel of less than 50 meters (164 ft.) in length at anchor shall exhibit an all-round white light where it can best be seen or:

11.4.5.2.1 In the fore part, an all-round white light or one ball; and

11.4.5.2.2 At or near the stern and at a lower level than the light prescribed in 11.4.5.2.1 of this subsection, an all-round white light.

11.4.5.3 Inland. - A vessel of less than 7 meters (23 ft.) in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall not be required to exhibit the lights or shapes prescribed in 11.4.4.2 of this section.



## 12.0 Anchoring and Obstructing Navigation

### *12.1 Applicability.*

This regulation applies to all vessels or other objects used or placed on the waters of this State.

### *12.2 Anchoring.*

- 12.2.1 No person shall anchor a vessel or other object in a navigable channel or allow any equipment from an anchored vessel to extend into the channel and subsequently interfere with the passage of any other vessel.
- 12.2.2 No person shall anchor a vessel in such a manner as to obstruct or otherwise obscure navigation aids.
- 12.2.3 No person shall anchor a vessel or allow any equipment from an anchored vessel to obstruct or otherwise interfere with the passage of any other vessel near:
  - 12.2.3.1 A boat launching facility;
  - 12.2.3.2 A marina entrance;
  - 12.2.3.3 The entrance to any canal or waterway;
  - 12.2.3.4 A permanent mooring facility; or
  - 12.2.3.5 A vessel docking facility.
- 12.2.4 No person shall place any item or equipment in a navigable channel so as to obstruct or otherwise impede or interfere with the passage of a vessel.



# U.S. Coast Guard Minimum Requirements for Motorboats

	Class A Less than 16 feet (less than 4.9 m)	Class 1 16 feet to less than 26 feet (4.9 to less than 7.9 m)	Class 2 26 to less than 40 feet (7.9 to less than 7.9 m)	Class 3 40 to less than 65 feet (12.2 to less than 19.8 m)
Equipment				
Backfire Flame Arrestor	One approved device on each carburetor of all gasoline engines installed after April 25, 1940, except outboard motors.			
Ventilation Boats built before Aug. 1, 1980	At least two ventilator ducts fitted with cowls or their equivalent for the purpose of properly and effectively ventilating the bilges of every closed engine and fuel tank compartment of boats constructed or decked over after April 25, 1940, using gasoline as fuel or other fuels having a flash point of 110° or less.			
Ventilation Boats built on or after Aug. 1, 1980	At least two ventilator ducts for the purpose of efficiently ventilating every closed compartment that contains a gasoline engine and every closed compartment containing a gasoline tank, except those having permanently installed tanks which vent outside the boat and which contain no unprotected electrical devices. Also, engine compartments containing a gasoline engine having a cranking motor must contain power operated exhaust blowers which can be controlled from the instrument panel.			
Personal Flotation Devices	One approved Type I, II, III or V PFD for each person on board or being towed on water skis, etc.	One approved Type I, II, III or V PFD for each person on board or being towed on water skis, etc.; and, in addition, one throwable Type IV device.		
Bell, Whistle	Every vessel less than 12 meters (39.4 feet) must carry an efficient sound-producing device.		Every vessel 12 meters (39.4 feet) but less than 20 meters (65.5 feet) in length must carry a whistle and a bell. The bell must be audible 1/2 nautical mile. The mouth of the bell must be at least 200 mm (7.87 inches) in diameter.	
Visual Distress Signals Required on coastal waters only	Must carry approved visual distress signals for night time use.	Must carry visual distress signals approved for both daytime use and night time use. Note: all boats carrying six or more passengers for hire must meet these requirements.		
Fire Extinguishers (Must say Coast Guard—Approved)	At least one B-I type approved hand portable fire extinguisher. Not required on outboard motorboats less than 26 feet (7.9 meters) in length and not carrying passengers for hire if the construction of such motorboat will not permit the entrapment of explosive or flammable gases or vapors and if fuel tanks are not permanently installed.	At least two B-I type approved portable fire extinguishers; OR at least one B-II type approved portable fire extinguisher	At least three B-I type approved portable fire extinguishers; OR at least one B-I type <b>plus</b> one B-II type approved portable fire extinguisher	
NOTE: When a fixed fire extinguishing system is installed in the machinery space(s), it will replace one B-I type portable extinguisher				

## Title 23 Navigation and Waters

### Chapter 13. Vessel Property

#### Sec.

- 1301. Control by owner or owners of more than half part; master's refusal to surrender; penalty.
- 1302. Forcible, fraudulent or secret taking of vessel; penalty.
- 1303. Vessels adrift or abandoned on public property and lost, abandoned, or stolen property relating to vessels.
- 1304. Vessels and property relating to vessels adrift or abandoned on private property.
- 1305. Penalties; jurisdiction.

#### **§ 1301. Control by owner or owners of more than half part; master's refusal to surrender; penalty.**

Every vessel owned by a citizen or citizens of this State shall be subject to the control of the vessel's owner, if there be but 1, or, if such vessel be owned by several jointly or in common, the vessel shall be subject to the control of the owner or owners of more than a half part.

The owner or owners of such share may discharge the master of such vessel, though the master be a part owner, and may maintain a civil action against the master to recover possession of the vessel if the master refuse to deliver the vessel to the owner or owners or to an agent, and recover damages for the detention.

If such master, upon being discharged, refuses or neglects to deliver to such owner or owners of more than a half part, or to an agent, on demand, the vessel with all the vessel's papers, tackle, apparel and furniture, the master shall be fined \$100.

*Code 1852, §§ 1236-1238; Code 1915, § 2989; Code 1935, § 3482; 23 Del. C. 1953, § 1301; 70 Del. Laws, c. 186, § 1.;*

#### **§ 1302. Forcible, fraudulent or secret taking of vessel; penalty.**

Whoever forcibly, fraudulently or secretly takes or attempts to take and remove any vessel from any harbor, river, creek or sound within this State, on any pretense whatever, shall be fined not more than \$500, and shall restore to the owners the vessel and cargo or the full value thereof.

*Code 1852, § 1239; Code 1915, § 2990; Code 1935, § 3483; 23 Del. C. 1953, § 1302.;*

#### **§ 1303. Vessels adrift or abandoned on public property and lost, abandoned, or stolen property relating to vessels.**

- (a) A person finding or having in that person's own possession a vessel that was adrift or abandoned, or any lost, abandoned, or stolen property relating to a vessel, shall turn the vessel or property over to the Department of Natural Resources

and Environmental Control for disposition pursuant to subsection (b) of this section.

- (b)(1) Notwithstanding § 8026 of Title 29, whenever a vessel or property relating to a vessel comes into the custody of the Department and the person entitled to possession of the vessel or property cannot be located and fails to claim possession for a period of 6 months, the Secretary of the Department may dispose of the vessel or property at public sale at a place which is convenient and accessible to the public, provided that the time, place, and terms of the sale, together with a description of the vessel or property, are published in 1 or more daily newspapers in the State at least once each week for 2 successive weeks prior to the sale. The Secretary shall, in the Secretary's discretion, fix the terms of sale and may employ an auctioneer to conduct the sale. If the vessel or property is of a kind for which a certificate of title or registration has been or should have been issued by the Department, the Secretary shall cause notice by registered mail to be sent at least 10 days before the sale to the owner and lienholder, if any, shown on the records of the Department, or to the person entitled to possession of the vessel or property, if the person's address is known or if it can be ascertained by the exercise of reasonable diligence. If an address cannot be ascertained, then notice under this paragraph is not required to be given.
- (2) Notice pursuant to this subsection is not required when an abandoned vessel or property relating to a vessel is removed in an emergency situation which creates an actual or potential hazard to navigation.
- (c) The proceeds from any vessel or property relating to a vessel sold pursuant to subsection (b) of this section must be placed in the General Fund, but only after any liens on the vessel or property are paid and any expenses incurred by the Department or by the person who turned over the vessel or property to the Department are paid. Reimbursable expenses include all direct expenses associated with the seizure, removal, transportation, preservation, storage, and disposal of a vessel or property relating to a vessel.
- (d) For purposes of this chapter, unless the context otherwise requires:
- (1) "Abandoned vessel" means:
- A vessel that has been left illegally or has remained without permission for more than 30 days on public property, including public marinas, public docks, and public boatyards; or
  - A vessel that has been found adrift or unattended in or upon the public waters or public subaqueous land

of the State, and is found in a condition of disrepair that constitutes a hazard or obstruction to the use of public waters or subaqueous land of the State or that presents a potential or actual health or environment hazard;

- (2) “Department” means the Department of Natural Resources and Environmental Control;
- (3) “Vessel” means every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice.
- (e) The Department may seize, remove, transport, preserve, store, and dispose of any abandoned vessel or property relating to a vessel. For this purpose, the Department may use its own personnel, equipment, and facilities or use other persons, equipment, and facilities. The Department may not be held liable for any damage to an abandoned vessel or property relating to a vessel which may occur during seizure, removal, transportation, preservation, storage, or disposition.
- (f) If an abandoned vessel or property relating to a vessel is in such a condition of disrepair that the Department cannot remove it intact, the Department may dispose of it in whatever manner is reasonable without providing the notice required under paragraph (b)(1) of this section.
- (g) The Department may delegate to any local jurisdiction the Department’s authority under this chapter to seize, remove, transport, preserve, store, and dispose of abandoned vessels and property relating to a vessel.
- (h) This § 1303 and § 1304 of this title do not apply to archaeological resources, including shipwrecks embedded in or located on the State’s subaqueous lands, which are regulated by the Department of State, Division of Historical and Cultural Affairs pursuant to Chapter 53 of Title 7.

*64 Del. Laws, c. 242, § 1; 70 Del. Laws, c. 186, § 1; 75 Del. Laws, c. 153, § 13; 76 Del. Laws, c. 84, § 1.;*

#### **§ 1304. Vessels and property relating to vessels adrift or abandoned on private property.**

- (a) Abandoned vessels and property relating to vessels on the strand on private property, such as private waters, private subaqueous land, private marinas, private docks, and private boatyards, may be seized, removed, transported, preserved, stored, and disposed of by the Department pursuant to the provisions of this chapter upon written request to the Department by the private property owner, if the Department receives funding to provide such a service.

(b) Subsection (a) of this section does not apply to:

- (1) A vessel whose owner has not complied with the terms of a financial agreement to pay docking, mooring, storage, or similar fees at a private marina, dock, boatyard, or other nautical facility, yet allows the vessel to remain at the marina, dock, boatyard, or other facility;
- (2) A vessel whose owner trespasses on private property by leaving that owner's vessel in another person's boat slip or dockspace without the permission of the other person.

*76 Del. Laws, c. 84, § 2; 70 Del. Laws, c. 186, § 1.;*

### **§ 1305. Penalties; jurisdiction.**

A person who abandons a vessel or property relating to a vessel on public or private property for more than 30 days or who violates any other provision of § 1303 or § 1304 of this title is subject to a civil penalty of not less than \$100 nor more than \$500 for each offense. In addition, the sentencing official shall order the person to reimburse the Department for all expenses incurred by the Department in the enforcement of §§ 1303 and 1304 of this title, including seizure, removal, transportation, preservation, storage, and disposal expenses of or for abandoned vessels and for property relating to a vessel. Superior Court has jurisdiction over violations of this chapter.

*76 Del. Laws, c. 84, § 3.;*

## **Chapter 21. Motorboats**

### ***Subchapter I. General Provisions***

2101. Restriction on speed of motorboats.

2102. Penalty.

### ***Subchapter II. Registration, Equipment and Operation***

2111. Declaration of policy.

2112. Definitions.

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### ***Subchapter I. General Provisions***

#### **§ 2101. Restriction on speed of motorboats.**

No person shall operate a boat in Noxentown Lake, New Castle County, propelled by a motor of more than 5 horsepower, except when such boat is being used for the purpose of training a crew of a shell or other racing boat, or is following such a shell or racing boat during a boat or crew race.

*46 Del. Laws, c. 310, § 1; 48 Del. Laws, c. 82, § 1; 23 Del. C. 1953, § 2101; 71 Del. Laws, c. 329, § 1.;*

#### **§ 2102. Penalty.**

Whoever violates this subchapter shall be fined not less than \$10 nor more than \$100.

*46 Del. Laws, c. 310, § 2; 48 Del. Laws, c. 82, § 2; 23 Del. C. 1953, § 2102; 71 Del. Laws, c. 427, § 1.;*

### ***Subchapter II. Registration, Equipment and Operation***

#### **§ 2111. Declaration of policy.**

It is hereby declared to be the policy of the General Assembly and the purpose of this subchapter to improve boating safety and to foster greater development, use and enjoyment of all the waters of the State by encouraging and assisting participation by the State, the boating industry and the boating public in the development of boating safety programs which are more comprehensive, and by creating flexible regulatory authority concerning the use of boats and equipment. It is further declared to be the policy of the General Assembly to encourage greater and continuing uniformity of boating laws and regulations between the State, its subdivisions and the federal government; a higher degree of reciprocity and comity among the several jurisdictions; and closer cooperation and assistance between the State and the federal government in developing, administering and enforcing federal and state laws and regulations pertaining to boating safety.

*23 Del. C. 1953, § 2111; 52 Del. Laws, c. 154, § 1; 59 Del. Laws, c. 576, § 1.;*

#### **§ 2112. Definitions.**

Unless as otherwise provided for in this section or Department regulations, the definitions used in this chapter shall be the same as those used in the Federal Boat Safety Act of 1971 [46 U.S.C. § 4301 et seq.]. Other definitions are:

- (1) "Department" means the Department of Natural Resources and Environmental Control, unless stated otherwise in this chapter.

- (2) “Fish and Wildlife Agent” means a law enforcement officer employed by the Department of Natural Resources and Environmental Control pursuant to this title and § 8003(13) of Title 29.
- (3) “Physical injury” means impairment of physical condition or substantial pain.
- (4) “Secretary” means the Secretary of the Department of Natural Resources and Environmental Control, unless otherwise stated in this chapter.
- (5) “Serious physical injury” means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health or prolonged loss or impairment of the function of any bodily organ.
- (6) “State” means the State of Delaware.
- (7) “Vessel” shall mean every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice. Jet skis, surf jets, ski craft and other personal watercraft are vessels for purposes of this chapter.
- (8) “Waters of the State” means any waters within the territorial limits of this State, the marginal sea adjacent to this State and the high seas when navigated as a part of a journey or ride to or from the shore of this State.

*23 Del. C. 1953, § 2112; 52 Del. Laws, c. 154, § 2; 52 Del. Laws, c. 231, § 2; 59 Del. Laws, c. 576, § 1; 68 Del. Laws, c. 185, § 1; 70 Del. Laws, c. 105, § 18; 71 Del. Laws, c. 427, § 8.;*

### **§ 2113. Licensing and registration fees.**

- (a) All vessels subject to this subchapter shall be divided into classes as follows and subject to the appropriate registration fees:
 

Class A - less than 16 feet . . . . .	\$10 per year
Class 1 - 16 feet or over and less than 26 feet in length . . . . .	\$20 per year
Class 2 - 26 feet or over and less than 40 feet in length . . . . .	\$30 per year
Class 3 - 40 feet or over and less than 65 feet in length . . . . .	\$50 per year
Class 4 - 65 feet or over and not required to be documented	\$60 per year
- (b) The registration number may be retained by the owner in the event of a transfer by paying a fee of \$3.45 per transfer. In the event a duplicate registration card is required, there shall be a fee of \$2.30.
- (c) Nonresident vessels using the waters of this State for principal use over 60 days and nonresidents owning a boat docked and/or stowed in waters of this State for over 60 days shall be required to register with the Department.



Registration of a motorboat shall not be valid for more than 3 years.

- (d) Dealers shall be issued 1 registration number for a fee of \$11.50 and for each additional number the dealer shall pay a fee of \$5.75, to be used for demonstration purposes only.
- (e) Any vessel utilizing tidal water boat access facilities provided by the Department shall be registered as required in this section in the State (which license includes funds for maintenance of these facilities under subsection (b) of § 2118 of this title) or shall purchase a “boat ramp certificate.” Boats belonging to the United States government (except recreational type public vessels), State and any rescue vessel operated for the public benefit are exempt from this requirement. The “boat ramp certificate” shall cost \$35, shall be affixed in a satisfactory location to the boat for which intended and shall be nontransferable. Income accrued from the sale of boat ramp certificates is appropriated to the Department (Division of Fish and Wildlife) and shall be used in accordance with the requirements of the Federal Aid in Sport Fish Restoration Act [16 U.S.C. § 777 et seq.].
- (f) Beginning July 1, 2000 and annually thereafter, the funds derived by the State from Boat Registration Fees shall be deposited as Appropriated Special Funds by the Department with the State Treasurer.

*59 Del. Laws, c. 576, § 1; 60 Del. Laws, c. 224, § 1; 61 Del. Laws, c. 303, § 1; 63 Del. Laws, c. 27, § 1; 65 Del. Laws, c. 334, § 1; 67 Del. Laws, c. 221, § 1; 67 Del. Laws, c. 260, § 1; 68 Del. Laws, c. 9, §§ 10, 11; 68 Del. Laws, c. 86, §§ 11-13; 71 Del. Laws, c. 443, § 6; 72 Del. Laws, c. 395, § 272.;*

### **§ 2113A. Licensing Agents; service charge; regulations.**

- (a) The Department may authorize as many qualified persons as Licensing Agents as it deems necessary to effectuate the efficient distribution of boat registrations and boat ramp certificates. All new Licensing Agents shall be engaged in both retail sales and repairs of boats as a prerequisite for the issuance of boat registrations.
- (b) Licensing Agents may add a service charge to the required fee for a boat registration or boat ramp certificate, provided the service charge does not exceed \$1.50 for a boat registration and 75 cents for a boat ramp certificate. Said service charge, if imposed, shall be posted by the Licensing Agent and shall be clearly visible to prospective purchasers.
- (c) The Secretary may adopt, amend, modify or repeal rules and regulations to effectuate the policy and purpose of this section.

*71 Del. Laws, c. 443, § 7.;*

#### **§ 2114. Regulations and standards.**

- (a) The Department shall issue rules and regulations for all vessels using state waters in accordance with the safety procedures outlined by the United States Coast Guard and present federal law. Every vessel shall be provided with the equipment prescribed by current United States Coast Guard regulations or Department regulations, and any amendments or changes thereto. No person shall operate or give permission for the operation of a vessel which is not in accordance with the rules and regulations of the Coast Guard or the Department, and any vessel deemed unseaworthy by the Department or its agent shall not be operated on the waters of the State.
- (b) The Department may issue regulations for the use, manufacture and sale of vessels to which this subchapter applies, with respect to:
  - (1) The registration, numbering and marking of undocumented vessels;
  - (2) Requirements for associated equipment;
  - (3) Boat and associated equipment standards;
  - (4) Operating requirements;
  - (5) Boating safety education; and
  - (6) Safety patrol and enforcement activity.
- (c) The Department shall prescribe such rules and regulations as may be necessary concerning the reporting and investigation of casualties and accidents, including those vessels otherwise exempted.

*23 Del. C. 1953, §§ 2113, 2114; 52 Del. Laws, c. 154, § 4; 54 Del. Laws, c. 135; 57 Del. Laws, c. 739, §§ 107, 108; 59 Del. Laws, c. 576, § 1.;*

#### **§ 2115. Applicability.**

- (a) This chapter shall apply to vessels and associated equipment used, to be used, or carried in vessels used on waters subject to the jurisdiction of this State.
- (b) This chapter, except those sections where the content expressly indicates otherwise, does not apply to:
  - (1) Foreign vessels temporarily using waters subject to state jurisdiction;
  - (2) Military or public vessels of the United States, except recreational-type public vessels;
  - (3) A vessel whose owner is a state or subdivision thereof, other than this State, which is used principally for governmental purposes, and which is clearly identifiable as such;
  - (4) A ship's lifeboats;
  - (5) Vessels for sale by authorized dealers, or for charter, livery or rent by authorized persons or agencies shall be subject to all requirements referred to in this subchapter.

- (c) No vessel propelled safely by wind power or physical exertion shall be subject to the licensing and registration fee of this subchapter, but shall be subject to all safety requirements referred to in § 2114 of this title.

*59 Del. Laws, c. 576, § 1.;*

**§ 2116. Operation of noncomplying vessels prohibited; careless operation; inattentive operation; reckless operation; assault by vessel in the second degree; assault by vessel in the first degree.**

- (a) No person shall use or give permission for the use of any vessel to which this subchapter applies, unless the vessel is in compliance with the requirements of this subchapter and the applicable standards and regulations promulgated under the authority of this subchapter.
- (b) Notwithstanding § 2115(b) of this title, whoever uses a vessel or associated equipment in a careless or imprudent manner, or without due regard for the conditions then existing (i.e., visibility, weather, etc.), shall be guilty of careless operation.
- (c) Notwithstanding § 2115(b) of this title, whoever uses a vessel and fails to give full time and attention to the operation of the vessel, or whoever fails to maintain a proper look-out while operating the vessel, shall be guilty of inattentive operation.
- (d) Notwithstanding § 2115(b) of this title, whoever uses a vessel or associated equipment in wilful or wanton disregard for the safety of persons or property shall be guilty of reckless operation.
- (e) Notwithstanding § 2115(b) of this title, a person is guilty of assault by vessel in the second degree when:
- (1) While in the course of operating a vessel, the person's criminally negligent operation of said vessel causes serious physical injury to another person; or
  - (2) While in the course of operating a vessel and under the influence of alcohol or drugs, as defined by § 2301 of this title, the person's negligent operation of said vessel causes physical injury to another person.

Assault by vessel in the second degree is a class B misdemeanor.

- (f) Notwithstanding § 2115(b) of this title, a person is guilty of assault by vessel in the first degree when while in the course of operating a vessel and under the influence of alcohol or drugs, as defined by § 2301 of this title, the person's negligent operation of said vessel causes serious physical injury to another person.

Assault by vessel in the first degree is a class F felony.

*59 Del. Laws, c. 576, § 1; 67 Del. Laws, c. 216, § 1; 71 Del. Laws, c. 427, §§ 2, 9.;*

### **§ 2117. Release of information.**

- (a) Any person may request vessel numbering and registration information from the Department, if such is retrievable from the vessel numbering system records of the State. When the Department is satisfied that the request is reasonable and related to a boating safety purpose, the information shall be furnished upon payment by such person of the cost of retrieval and furnishing of the information requested.
- (b) Boating accident reports, filed by those parties directly involved, and required under the authority of subsection (c) of § 2114 of this title, are not public records available for public inspection or release. The fact that such reports have been made shall be admissible in evidence solely to show compliance with this section or regulations promulgated under the authority of subsection (c) of § 2114 of this title. No such report nor any part thereof nor any statement contained therein shall be admissible as evidence for any purpose in any civil or criminal trial.
- (c) Boating accident reports and any information compiled therefrom may be released to state and federal law-enforcement agencies and officials of the United States Coast Guard for analytical and statistical purposes at no cost.
- (d) Any federal agency or agency of Delaware state government may request information from the Department concerning the registration of a vessel. After the Department receives such a request and the Department is satisfied that such a request is reasonable and related to a boating safety, law enforcement and/or fishery management purpose, the Department may release information concerning the registration of a vessel. In each case where said information is released, the Department may seek reimbursement from the agency requesting the information for all costs incurred by the Department in connection with the gathering and transmitting of the information to the requesting agency.

*59 Del. Laws, c. 576, § 1; 63 Del. Laws, c. 313, § 1;*

### **§ 2118. Public facilities; administration and enforcement of subchapter.**

- (a) The Department shall maintain and improve public facilities for launching of vessels in all counties of the State.
- (b) The Department shall assign a Boating Administrator who shall be qualified by training and experience to perform the duties of office. The Boating Administrator shall train and maintain a staff of Fish and Wildlife Agents who are capable of insuring compliance with state law and Department regulations of all vessels using, moored or anchored on state waters. The Boating Administrator shall train and maintain a clerical staff to operate the boating safety office and all boat registration offices. For the

purpose of carrying out this subchapter, Fish and Wildlife Agents shall have all the powers of investigation, detention and arrest conferred by law on peace officers, sheriffs and constables. Such officers shall have the right to arrest with a warrant for violations or without a warrant for violations of such regulations committed in their presence.

- (c) If a Fish and Wildlife Agent observes a boat being used without sufficient life-saving or fire-fighting devices or in overloaded or other unsafe condition as defined by state or federal law or Department regulations, and in agent's judgment such use creates an especially hazardous condition, the agent may direct the operator to take whatever immediate and reasonable steps would be necessary for the safety of those aboard the vessel, including directing the operator to return to mooring and to remain there until the situation creating the hazard is corrected or ended.
- (d) Any person designated by the Secretary and empowered to enforce state laws and Department regulations and of any rule or regulation adopted pursuant thereto shall have the authority to stop and board any vessel subject to state laws or Department regulations for the purpose of inspection or determining compliance with the state laws or Department regulations. Vessels of law-enforcement personnel shall be marked to identify them as designated enforcement vessels.
- (e) Enforcement personnel, whether in uniform or civilian clothes, shall give proper identification issued by the Secretary when boarding a vessel on waters of this State.
- (f) Every vessel, if underway on the "waters of this State" and upon being hailed by a designated law-enforcement officer, shall stop immediately and lay to, or shall maneuver in such a way as to permit such officer to come ahead.
- (g) The State Police shall have the same authority as Fish and Wildlife Agents in enforcement of this subchapter.

*59 Del. Laws, c. 576, § 1; 70 Del. Laws, c. 105, §§ 19, 20, 21; 70 Del. Laws, c. 186, § 1.;*

### **§ 2119. Annual appropriation.**

- (a) For purposes of implementing this subchapter, there shall be appropriated annually the funds necessary to establish and maintain reasonable support in terms of equipment and personnel to carry out the purposes of this subchapter.

Such support shall be based on the utilization of a Boating Administrator, Fish and Wildlife Agents and the resources necessary to allow for 1 Fish and Wildlife Agent plus equipment and operating expenses for each 2,000 boats registered as of July 1 of the preceding year. Each Fish and Wildlife Agent shall receive an appropriate salary as set by the Department pursuant to the merit system.

- (b) For purposes of implementing § 2118(a) of this title, there shall be appropriated not more than \$2 annually for every boat registered as of July 1 of the preceding fiscal year.

*59 Del. Laws, c. 576, § 1; 70 Del. Laws, c. 105, § 22.;*

### **§ 2120. Regattas, motorboat races, marine parades, tournaments or exhibitions.**

- (a) The Department may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any waters of this State. It shall adopt and may, from time to time, amend regulations concerning the safety of motorboats and other vessels and persons thereon, either observers or participants. Whenever a regatta, motorboat race, or other boat race, marine parade, tournament or exhibition is proposed to be held, the person in charge thereof shall, at least 30 days prior thereto, file an application with the Department for permission to hold such regatta, motorboat race, or other boat race, marine parade, tournament or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat race or other boat race, marine parade, tournament or exhibition and it shall not be conducted without authorization of the Department in writing.
- (b) This section shall not exempt any person from compliance with applicable federal law or regulation, but nothing contained in this subchapter shall be construed to require the securing of a state permit pursuant to this section if a permit therefor has been obtained from an authorized agency of the United States.

*23 Del. C. 1953, § 2125; 52 Del. Laws, c. 154, § 15; 57 Del. Laws, c. 739, § 117; 59 Del. Laws, c. 576, § 1.;*

### **§ 2121. Local regulations.**

- (a) This subchapter and other applicable laws of this State shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessels shall be operated on the waters of this State, or when any activity regulated by this subchapter shall take place thereon; but nothing in this subchapter shall be construed to prevent the adoption of any ordinance or local law relating to operation and equipment of vessels, the provisions of which are identical to this subchapter, amendments thereto or regulations issued thereunder; provided, however, that such ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to this subchapter, amendments thereto or regulations issued thereunder.
- (b) Any subdivision of this State may, at any time, but only after public notice, make formal application to the Department for special rules and regulations with reference

to the operation of vessels on any waters within its territorial limits and shall set forth therein the reasons which make such special rules or regulations necessary or appropriate.

- (c) The Department shall make special rules and regulations with reference to the operation of vessels on any waters within the territorial limits of any subdivision of this State.

*23 Del. C. 1953, § 2126; 52 Del. Laws, c. 154, § 16; 57 Del. Laws, c. 793, § 118; 59 Del. Laws, c. 576, § 1.;*

### **§ 2122. Rules of the road.**

The United States Coast Guard “Rules of the Road,” “International-Inland” and the “United States Coast Guard Regulations (pilot rules) for Inland Waters,” established pursuant thereto, and any amendments or changes thereto, shall be the state law on all “waters of the State,” unless modified by state law or Department regulations. Fish and Wildlife Agents and the State Police shall have the authority for enforcement of these rules on all waters of the State.

*23 Del. C. 1953, § 2115; 52 Del. Laws, c. 154, § 5; 57 Del. Laws, c. 739, § 109; 59 Del. Laws, c. 576, § 1; 70 Del. Laws, c. 105, § 23.;*

### **§ 2123. Vessel liveries.**

- (a) The owner of a vessel livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is designed or permitted by the owner to be operated as a motorboat or vessel, the identification number thereof and the departure date and time and the expected time of return. The record shall be preserved for at least 1 year. When boats are 3 hours overdue or at the close of the day, the owner shall notify the Division of Fish and Wildlife.
- (b) Neither the owner of a vessel livery, nor an agent or employee, shall permit any motorboat or any vessel designed or permitted by the owner to be operated as a motorboat or vessel to depart from the owner’s premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to this subchapter and any laws or regulations made pursuant thereto.
- (c) Neither the owner of a vessel livery, nor an agent or employee, shall permit any motorboat or any vessel designed or permitted by the owner to be operated as a motorboat or vessel to depart from the owner’s premises if, in the owner’s opinion:
  - (1) The lessee is physically incapable of safely operating the motorboat or vessel; or
  - (2) The weather is prohibitive for safe operation.

*23 Del. C. 1953, § 2121; 52 Del. Laws, c. 154, § 11; 59 Del. Laws, c. 576, § 1; 70 Del. Laws, c. 186, § 1.;*

#### **§ 2124. Filing of regulations.**

A copy of the regulations adopted pursuant to this subchapter and any amendments thereto shall be filed in the office of the Secretary of State. This subchapter and the regulations of the Department shall be published by the Department in convenient form and distributed to or made available to all persons registering boats or vessels in Delaware or those operating boats or vessels in the waters of the State who request this information.

*23 Del. C. 1953, § 2128; 52 Del. Laws, c. 154, § 18; 52 Del. Laws, c. 231, § 1; 57 Del. Laws, c. 739, § 119; 59 Del. Laws, c. 576, § 1;*

#### **§ 2125. Penalties; jurisdiction.**

- (a) Whoever violates any of the provisions of this chapter, except §§ 2113(e), 2116(b), (c), (d), (e) and (f), or any regulation promulgated thereunder, shall for the first offense be fined not less than \$25 nor more than \$50. For each subsequent like offense occurring within 12 months of a prior conviction, the person shall be fined not less than \$50 nor more than \$100.
- (b) Whoever violates § 2113(e) of this title shall be fined not less than \$50 nor more than \$100.
- (c) Whoever violates §§ 2116(b) or (c) of this title shall for the first offense be fined not less than \$25 nor more than \$115. For each subsequent like offense occurring within 3 years of a prior conviction, the person shall be fined not less than \$50 nor more than \$230, or be imprisoned not less than 10 nor more than 30 days, or both.
- (d) Whoever violates § 2116(d) of this title shall for the first offense be fined not less than \$100 nor more than \$300, or be imprisoned not less than 10 nor more than 30 days, or both. The period of imprisonment for a first offense may be suspended. For each subsequent like offense occurring within 3 years of a prior conviction, the person shall be fined not less than \$300 nor more than \$1,000, or be imprisoned not less than 30 nor more than 60 days, or both. No person sentenced under this subsection as a repeat offender shall receive a suspended sentence.
- (e) The Justice of the Peace Courts shall have jurisdiction over any violation of this chapter, with the exception of § 2116(f) of this title.

*23 Del. C. 1953, § 2130; 52 Del. Laws, c. 154, § 20; 53 Del. Laws, c. 27, § 8; 58 Del. Laws, c. 193; 58 Del. Laws, c. 239, § 1; 59 Del. Laws, c. 576, § 1; 71 Del. Laws, c. 427, § 3;*

#### **§ 2126. Arrest without warrants.**

- (a) Any Fish and Wildlife Agent or police officer of this State authorized to make arrests for violations of this title and regulations promulgated thereunder is further authorized



to arrest a person without a warrant at the scene of a boating accident upon reasonable and probable cause to believe, based upon personal investigation which may include information obtained from eye witnesses, that a violation has been committed by any person then and there present.

- (b) An arrest without a warrant is further authorized under this subsection:
  - (1) Whenever a subject voluntarily leaves the scene of the accident; and
  - (2) Whenever a suspect is removed from the scene of the accident for the purpose of receiving medical attention in which case the medical facility shall be considered as an extension of the scene of the accident.
- (c) When a suspect has been initially detained by an active duty member of the United States Coast Guard, an arrest of that suspect without a warrant is authorized under this section, when based upon reasonable and probable cause, which shall include information obtained from the said active duty member of the United States Coast Guard, that the suspect had been operating a vessel while under the influence of alcohol or drugs in violation of this title.

68 Del. Laws, c. 67, § 1; 70 Del. Laws, c. 186, § 1;

## **Chapter 22. Boating Safety**

### ***Subchapter I. Personal Flotation Devices for Children.***

- 2201. Definitions.
- 2202. Child safety on recreational boats.
- 2203. [Reserved.]

### ***Subchapter II. Personal Watercraft.***

- 2211. Definitions.
- 2212. Restrictions and regulations relating to the operation of personal watercraft.
- 2213. Rentals of personal watercraft.
- 2214. Exceptions.
- 2215. Enforcement; penalties.

### ***Subchapter III. Boating Safety Education.***

- 2221. Certificate of boating safety education.
- 2222. Exemptions.
- 2223. Powers and duties of the Department.
- 2224. Validity of certificate.
- 2225. Penalties; jurisdiction.

### ***Subchapter I. Personal Flotation Devices for Children***

#### **§ 2201. Definitions.**

- (a) “Department” means the Department of Natural Resources and Environmental Control.

- (b) “Operator” means that person in control or in charge of the vessel while the vessel is in use.
- (c) “Recreational boat” means any vessel manufactured or used primarily for noncommercial use; or leased, rented or chartered to another for the latter’s noncommercial use. Charter boats, head boats or other vessels under the command of a person who is licensed by the United States Coast Guard to carry passengers for hire shall be defined as commercial and therefore exempt from this definition of “recreational boat.”
- (d) “Use” means operate, navigate or employ.
- (e) “Vessel” includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.
- (f) “Waters of this State” means any waters within the territorial limits of this State, the marginal sea adjacent to this State and the high seas when navigated as part of a journey or ride to or from the shores of this State.

*66 Del. Laws, c. 193, § 1; 69 Del. Laws, c. 60, § 1.*

## **§ 2202. Child safety on recreational boats.**

- (a) Every operator of a recreational boat shall be responsible for providing for the protection of any child 12 years of age or under by having any such child who is aboard a recreational boat upon the waters of this State, properly wear a Type I, II, III or V Coast Guard–approved personal flotation device which is in good serviceable condition and of the proper size. This section shall not apply to any child who is below deck or in an enclosed cabin or while said recreational boat is anchored or moored.
- (b) A violation of subsection (a) of this section shall be an offense punishable by a fine of no more than \$25 for each violation. The failure to provide a flotation device for more than 1 child in the same recreational boat at the same time, as required by this section, shall be treated as separate offenses.

*66 Del. Laws, c. 193, § 1; 69 Del. Laws, c. 60, § 2.*

## **§ 2203. [Reserved.]**

### ***Subchapter II. Personal Watercraft***

## **§ 2211. Definitions.**

The following words, terms and phrases, when used in this subchapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) “Approved personal flotation device” shall mean any United States Coast Guard approved type I, II, III or V personal flotation device.
- (2) “Headway speed” shall mean the minimum speed necessary to maintain steerage and control of a personal watercraft while such personal watercraft is moving.
- (3) “Personal watercraft” shall mean any class A in-board vessel (less than 16 feet in length) as defined by the United States Coast Guard which uses either an internal combustion engine powering a water jet-pump or a propeller as its primary source of propulsion and which is designed to be operated either by a person or persons sitting, standing or kneeling on the vessel, or by a water skier via remote control, instead of in the conventional manner of vessel operation, such as riding in the vessel.

68 *Del. Laws, c. 185, § 3.*;

## **§ 2212. Restrictions and regulations relating to the operation of personal watercraft.**

- (a) No person shall operate a personal watercraft unless such person is 16 years of age or older, except that a person between 14 and 16 years of age may operate a personal watercraft if such operation occurs under the direct supervision of said person’s parent or legal guardian.
- (b) No person shall operate a personal watercraft at any time between sunset and sunrise and at times of restricted visibility unless the personal watercraft is equipped with navigation lights.
- (c) No person shall operate or ride in a personal watercraft unless such person is wearing an approved personal flotation device.
- (d) No person shall operate a personal watercraft unless the personal watercraft is equipped with a self-circling device or a lanyard-type engine cutoff switch. If the personal watercraft is equipped with a lanyard-type engine cutoff switch, no person shall operate such personal watercraft unless the lanyard is attached to the person, clothing or personal flotation device of the operator of such personal watercraft.
- (e) No person shall remove, alter or tamper with any part of the spring-loaded throttle mechanism on a personal watercraft which immediately returns the engine to an idle speed upon release of the operator’s hand from the throttle control, or any feature of an engine cut-off switch on a personal watercraft which is installed by a manufacturer.
- (f) A personal watercraft shall at all times be operated in a reasonable and prudent manner. Maneuvers which may endanger the safety of persons or property shall include but are not limited to:
  - (1) Weaving through congested vessel traffic;

- (2) Jumping or attempting to jump the wake of another vessel within 100 feet of such other vessel, or when visibility around such other vessel is obstructed;
- (3) Following within 100 feet of a water skier; or
- (4) Speeding in restricted speed areas.
- (g) No person who is the owner of a personal watercraft or who has charge or control over a personal watercraft shall permit another person to operate such personal watercraft in violation of any provision of this subchapter.
- (h) No person shall operate a personal watercraft at any speed greater than headway speed while within or at the entrance to a marina or other place utilized as an anchorage.
- (i) Except for the waters of Delaware's Inland Bays contiguous to incorporated areas, on Delaware waters other than the Atlantic Ocean, no person shall operate a personal watercraft at any speed greater than headway speed unless said personal watercraft is at least 100 feet from all wharfs, piers, docks, boat launching areas, pilings, bridge structures or abutments, moored, drifting or anchored vessels, all nonmotorized vessels, and any shoreline, and at least 300 feet from all people in the water; provided however, that the provisions of this subsection shall not apply to the waters of the Nanticoke River.
- (j) Within the waters of Delaware's Inland Bays contiguous to incorporated areas, no person shall operate a personal watercraft at any speed greater than headway speed unless said personal watercraft is at least 300 feet from all wharves, piers, docks, boat-launching areas, pilings, bridge structures or abutments, moored, drifting or anchored vessels, all nonmotorized vessels, any shoreline and all people in the water.
- (k) Within the Delaware waters of the Atlantic Ocean, no person shall operate a personal watercraft at any speed greater than headway speed unless such personal watercraft is at least 300 feet from all wharfs, piers, docks, boat launching areas, pilings, bridge structures or abutments, moored, drifting or anchored vessels, all nonmotorized vessels, all people in the water and any shoreline.
- (l) No person shall operate a personal watercraft in an area where motorized vessels are prohibited.
- (m) No person shall operate a personal watercraft to tow a water skier, aquaboard or other similar device unless there is in such vessel a competent observer, in addition to the operator, and the personal watercraft is designed by the manufacturer to carry the operator, the observer and the person(s) being towed. The observer shall be considered competent if he or she is facing toward the person(s) being towed.

*68 Del. Laws, c. 185, § 3; 68 Del. Laws, c. 346, §§ 1, 2; 70 Del. Laws, c. 268, §§ 1, 2; 71 Del. Laws, c. 206, § 1; 71 Del. Laws, c. 427, § 4; 72 Del. Laws, c. 358, §§ 1, 2, 3.*

### **§ 2213. Rentals of personal watercraft.**

- (a) No person shall rent a personal watercraft to any person who does not hold a valid automobile driver's license.
- (b) No person shall rent a personal watercraft to any person unless and until such personal watercraft is conspicuously marked with the word "rental" and such other markings as are designated by the Department of Natural Resources and Environmental Control.
- (c) No person shall rent a personal watercraft to any person without explaining to the person the areas where the personal watercraft is and is not allowed to be operated. A printed map or chart of the area where the person is permitted to operate shall be provided by the person from whom the personal watercraft is rented.
- (d) No person shall rent a personal watercraft to any person without providing, at the site where such personal watercraft is rented, a vessel equipped to render assistance, guidance and policing of rented personal watercraft.
- (e) The Department of Natural Resources and Environmental Control shall prepare educational material setting forth excerpts from or a summary of the pertinent provisions of this subchapter and subchapter III of this chapter and information pertinent to personal watercraft safety. Any person who is in the business of renting personal watercraft shall be furnished this material without charge.
- (f) No person who is in the business of renting personal watercraft shall rent a personal watercraft to any person without obtaining from such person a written acknowledgment that the educational material prepared by the Department of Natural Resources and Environmental Control pursuant to subsection (e) of this section has been read and understood.

*68 Del. Laws, c. 185, § 3; 72 Del. Laws, c. 358, §§ 4, 5.*

### **§ 2214. Exceptions.**

The restrictions and prohibitions of this subchapter shall not apply to law-enforcement vessels operated by law enforcement personnel in the performance of their duties, nor shall the provisions of this subchapter apply to any person engaged in a professional exhibition or participating in a regatta, race, marine parade, tournament or exhibition held in compliance with § 2120 of this title.

*68 Del. Laws, c. 185, § 3.*

### **§ 2215. Enforcement; penalties.**

- (a) The Department of Natural Resources and Environmental Control shall be the State agency authorized to promulgate such rules and regulations as are necessary for the safe and proper administration of this subchapter.
- (b) The State, each county within this State and each municipality within this State shall have concurrent authority to enforce, each within its respective jurisdiction, the provisions of this subchapter. All fines and penalties collected by a county or municipality as a result of the efforts of that county or municipality to enforce the provisions of this subchapter shall be paid to such county or municipality.
- (c) Whoever violates any of the provisions of this subchapter or any regulation promulgated thereunder, shall for the first offense be fined not less than \$25 nor more than \$50. For each subsequent like offense occurring within 12 months of a prior conviction, the person shall be fined not less than \$50 nor more than \$100.
- (d) The Justice of the Peace Courts shall have jurisdiction over any violation of this subchapter.

*68 Del. Laws, c. 185, § 3; 71 Del. Laws, c. 427, § 5.*

### ***Subchapter III. Boating Safety Education***

#### **§ 2221. Certificate of boating safety education.**

- (a) From and after January 1, 1994, except as provided in § 2222 of this subchapter, a person born on or after January 1, 1978, may not operate on the waters of this State a vessel required to be registered in this State or any other state, or documented by the United States Coast Guard, without first successfully completing a course of instruction prescribed by the Department and obtaining from the Department a certificate of boating safety education.
- (b) Any certificate of boating safety issued by any state, and approved by the National Association of State Boating Law Administrators, shall be deemed to be sufficient compliance with the requirements of this section.
- (c) A person who is subject to the provisions of subsection (a) of this section shall:
  - (1) Maintain in the person's possession, at all times while operating a vessel or recreational boat on the waters of this State, the certificate of boating safety education issued by the Department; and
  - (2) Upon demand of a Fish and Wildlife Agent or any other law enforcement officer, show the certificate of boating safety education issued by the Department to such agent or officer.
- (d) It shall be a defense to any charge under subsection (c) of this section if the person so charged produces in Court a

Certificate of Boating Safety Education theretofore issued to such person and valid at the time of arrest.

*69 Del. Laws, c. 60, § 4; 70 Del. Laws, c. 105, § 24; 71 Del. Laws, c. 427, § 6.*

### **§ 2222. Exemptions.**

The following persons shall be exempted from the requirements of this section:

- (1) Any person who holds a valid Coast Guard captain's license; or
- (2) Any person who holds a valid Delaware River and Bay Pilot's License, or its equivalent from another jurisdiction.

*69 Del. Laws, c. 60, § 4.*

### **§ 2223. Powers and duties of the Department**

- (a) The Department shall coordinate and provide a statewide course of instruction in boating safety education for certification, and insure that courses are available at regular intervals within each county.
- (b) Any course of instruction in boating safety education offered by the Department is not required to consist of more than 6 classes, nor to exceed a cumulative total of 12 hours.
- (c) Tests may be administered verbally when appropriate.
- (d) The Department shall replace, free or at cost, a lost or destroyed boating safety certification originally issued by the Department.

*69 Del. Laws, c. 60, § 4.*

### **§ 2224. Validity of certificate.**

Once issued, the certification of boating safety education shall be valid for the lifetime of the person to whom it was issued and may not be revoked by the Department or a court of law.

*69 Del. Laws, c. 60, § 4.*

### **§ 2225. Penalties; jurisdiction.**

- (a) Whoever violates §2221(a) of this title shall for the first offense be fined not less than \$50 nor more than \$200. For each subsequent like offense, the person shall be fined not less than \$100 nor more than \$500 or imprisoned for a term not to exceed 6 months, or both.
- (b) Whoever violates § 2221(c) of this title shall for the first offense be fined not less than \$25 nor more than \$115. For each subsequent like offense, the person shall be fined not less than \$50 nor more than \$230, or be imprisoned not less than 10 nor more than 30 days, or both.
- (c) The Justice of the Peace Courts shall have jurisdiction over any violation of this subchapter.

*69 Del. Laws, c. 60, § 4; 71 Del. Laws, c. 427, § 7.*

## Chapter 23. Operation of a Vessel or Boat While Under the Influence of Intoxicating Liquor and/or Drugs

### Sec.

- 2301. Definitions.
- 2302. Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs.
- 2303. Consent to submit to chemical test.
- 2304. Refusal to submit to chemical test.
- 2305. Penalties; jurisdiction.
- 2306. Enforcement of chapter.
- 2307. Persons qualified to administer tests.
- 2308. Disposition of vessel and property.

### § 2301. Definitions.

- (a) “Alcohol concentration of 0.08 or more” shall mean:
  - (1) An amount of alcohol in a sample of a person’s blood equivalent to 0.08 or more grams of alcohol per hundred milliliters of blood; or
  - (2) An amount of alcohol in a sample of a person’s breath equivalent to 0.08 or more grams per two hundred ten liters of breath.
- (b) “Chemical test” or “test” shall include any form or method of analysis of a person’s blood, breath or urine for the purposes of determining alcohol concentration or the presence of drugs which is approved for use by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, the Delaware State Police Crime Laboratory, any state or federal law enforcement agency, or any hospital or medical laboratory. It shall not, however, include a preliminary screening test of breath performed in order to estimate the alcohol concentration of a person at the scene of a stop or other initial encounter between a law enforcement officer and the person.
- (c) “Operating a vessel or vessel operation” shall include driving, operating or having actual physical control of a vessel or boat.
- (d) “Prior or previous offense” shall mean:
  - (1) A conviction pursuant to this chapter, or a similar statute of any state, local jurisdiction or the District of Columbia, within 5 years immediately preceding the date of the present offense; or
  - (2) A conviction, under a criminal statute encompassing death or injury caused to another person by the person’s operation of a vessel, where operating a vessel under the influence or with a prohibited alcohol concentration was an element of the offense.

For the purpose of computing the periods of time set out in § 2305 of this title, the period shall run from the date of the commission of the prior or previous offense to the date of the commission of the charged offense. In any proceeding under



§ 2305 of this title, a person may not challenge the validity of any prior or previous conviction unless that person first successfully challenges the prior or previous conviction in the court in which the conviction arose and provides written notice of the challenge in the present proceeding to the prosecution at least 20 days before trial.

- (e) “Underway” shall be defined as any vessel which is not at anchor or made fast ashore.
- (f) “Vessel” shall mean every device in, upon or by which any person may be transported upon the water excepting devices moved by human power.
- (g) “While under the influence” shall mean that the person is, because of alcohol or drugs or a combination of both, less able than the person would ordinarily have been, either mentally or physically, to exercise clear judgement, sufficient physical control, or due care in the operation of a vessel or boat.

*67 Del. Laws, c. 216, § 2; 70 Del. Laws, c. 565, § 1; 75 Del. Laws, c. 437, § 1.;*

### **§ 2302. Operation of a vessel or boat while under the influence of intoxicating liquor and/or drugs.**

- (a) No person shall motor, sail, row, operate, command or have actual physical control of any vessel or boat underway on Delaware waters:
  - (1) When the person is under the influence of alcohol;
  - (2) When the person is under the influence of a drug;
  - (3) When the person is under the influence of any combination of alcohol and any drug;
  - (4) When the person’s alcohol concentration is 0.08 or more; or
  - (5) When the person’s alcohol concentration is, within four hours after the time of vessel operation, 0.08 or more.
- (b) Any person charged under subsection (a) of this section whose blood alcohol concentration is eight one-hundredths of 1% or more by weight as shown by a chemical analysis of a blood, breath or urine sample taken within 4 hours of the alleged offense shall be guilty of violating subsection (a) of this section. This provision shall not preclude a conviction based on other admissible evidence.
- (c) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a drug shall not constitute a defense against any charge of violating this section.
- (d) It shall be an affirmative defense to a prosecution premised on subsection (a)(5) of this section if the person proves by a preponderance of evidence that the person consumed a sufficient quantity of alcohol after the time of actual vessel operation and before any sampling to cause the person’s alcohol concentration to exceed 0.08. Such evidence shall not be admitted unless notice of this defense is given to the prosecution at least 20 days before trial.

- (e) The charging document may allege a violation of subsection (a) of this section without specifying any particular paragraph of subsection (a) and the prosecution may seek conviction under any of the paragraphs of subsection (a).

*67 Del. Laws, c. 216, § 2; 70 Del. Laws, c. 565, §§ 2, 3; 75 Del. Laws, c. 437, §§ 1, 2;*

### **§ 2303. Consent to submit to chemical test.**

- (a) Any person who motors, sails, rows, commands, operates or has actual physical control of a vessel or boat underway on the waters of this state shall be deemed to have given consent, subject to this section and § 2302 of this title, to a chemical test or tests of the person's blood, breath and/or urine for the purpose of determining the presence of alcohol or a drug or drugs. The testing may be required of a person when an officer has probable cause to believe the person is in violation of § 2302 of this title or a local ordinance substantially conforming thereto.
- (b) At the time that a chemical test specimen is required, the person may be informed that if testing is refused, the person shall be prohibited from operating a vessel upon Delaware's waters for a period of 1 year.
- (c) If there are reasonable grounds to believe that there is impairment by a drug or drugs which are not readily subject to detection by a breath test, a blood and/or urine test may be required even after a breath test has been administered.
- (d) Alternative tests; physical incapacity. If for any reason a person is physically unable to supply enough breath or complete the chemical test, the person shall submit to other chemical tests as designated by the officer, subject to the requirements of subsection (a) of this section. Any person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal shall be deemed to not have withdrawn the consent provided in this section and any test may be performed as provided in subsection (a) of this section.
- (e) Refusal to submit as admissible evidence. Upon any trial of any action or proceeding arising out of the acts alleged to have been committed by any person while in violation of § 2302 of this title, the court may admit evidence of the refusal of such person to submit to a chemical test of the person's breath, blood or urine.
- (f) Admissibility in evidence of results of chemical test. For purposes of a conviction premised upon § 2302(a) of this title or any proceeding pursuant to this code in which an issue is whether a person was operating a vessel while under the influence, evidence establishing the presence and concentration of alcohol or drugs in the person's blood, breath or urine shall be relevant and admissible. Such

evidence may include the results from tests of samples of the person's blood, breath or urine taken within four hours of operating the vessel or at some later time. In any proceeding, the resulting alcohol or drug concentration reported when a test, as defined in § 2301(b) of this title, is performed shall be deemed to be the actual alcohol or drug concentration in the person's blood, breath or urine without regard to any margin of error or tolerance factor inherent in such tests.

- (g) Evidence of an alcohol concentration of 0.05 or less in a person's blood, breath or urine sample taken within 4 hours of operating a vessel and tested as defined in § 2301(b) of this title is prima facie evidence that the person was not under the influence of alcohol within the meaning of this chapter. Evidence of an alcohol concentration of more than 0.05 but less than 0.08 in a person's blood, breath or urine sample taken within four hours of operating a vessel and tested as defined in § 2301(b) of this title shall not give rise to any presumption that the person was or was not under the influence of alcohol, but such fact may be considered with other competent evidence in determining whether the person was under the influence of alcohol.
- (h) Evidence obtained through a preliminary screening test of a person's breath in order to estimate the alcohol concentration of the person at the scene of a stop or other initial encounter between a law enforcement officer and the person shall be admissible in any proceeding to determine whether probable cause existed to believe that a violation of this code has occurred. However, such evidence shall not be admissible in the determination of guilt under this section.
- (i) Nothing in this section shall preclude conviction of an offense defined in this chapter based solely on admissible evidence other than the results of a chemical test of a person's blood, breath or urine to determine the concentration or presence of alcohol or drugs.
- (j) A jury shall be instructed by the court in accordance with the applicable provisions of this section in any proceeding pursuant to this chapter in which an issue is whether a person was operating a vessel while under the influence.
- (k) For the purpose of introducing evidence of a person's alcohol concentration pursuant to this section, a report signed by the Forensic Toxologist, Forensic Chemist or State Police Forensic Analytical Chemist who performed the test or tests as to its nature is prima facie evidence, without the necessity of the Forensic Toxologist, Forensic Chemist or State Police Forensic Analytical Chemist personally appearing in court:
  - (1) That the blood delivered was properly tested under procedures approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner or the Delaware State Police Crime Laboratory;

- (2) That those procedures are legally reliable;
  - (3) That the blood was delivered by the officer or persons stated in the report; and
  - (4) That the blood contained the alcohol therein stated.
- (l) (1) Any report introduced under subsection (k) of this section must:
- a. Identify the Forensic Toxologist, Forensic Chemist or State Police Forensic Analytical Chemist as an individual certified by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner, the Delaware State Police Crime Laboratory or any county or municipal police department employing scientific analysis of blood, as qualified under standards approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner or the Delaware State Police Crime Laboratory to analyze the blood;
  - b. State that the person made the analysis of the blood under the procedures approved by the Forensic Sciences Laboratory, Office of the Chief Medical Examiner or the Delaware State Police Crime Laboratory; and
  - c. State that the blood, in the person's opinion, contains the resulting alcohol concentration within the meaning of this chapter.

Nothing in this section precludes the right of any party to introduce any evidence supporting or contradicting the evidence contained in the report entered pursuant to subsections (k) and (l) of this section.

- (2) For purposes of establishing the chain of physical custody or control of evidence defined in this section which is necessary to admit such evidence in any proceeding, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery stated, without the necessity of a personal appearance in court by the person signing the statement, in accordance with the same procedures outlined in § 4331(3) of Title 10.

- (3) In a criminal proceeding, the prosecution shall, upon written demand of a defendant filed in the proceedings at least 15 days prior to the trial, require the presence of the Forensic Toxicologist, Forensic Chemist, State Police Forensic Analytical Chemist or any person necessary to establish the chain of custody as a witness in the proceeding. The chain of custody or control of evidence defined in this section is established when there is evidence sufficient to eliminate any reasonable probability that such evidence has been tampered with, altered or misidentified.
- (m) The informing or failure to inform the accused concerning the implied consent provision shall not affect the admissibility of such results in any prosecution for a violation of § 2302(a) of this title.
- (n) The doctor-patient privilege shall not apply to the disclosure to law-enforcement personnel nor the admissibility into evidence in any criminal proceeding of the results of a chemical test of a person's blood, breath or urine for the purpose of determining the alcohol or drug content of the person's blood irrespective of whether such test was done at the request of a treating physician, other medical personnel or a peace officer.

*67 Del. Laws, c. 216, § 2; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 565, §§ 4, 5; 75 Del. Laws, c. 437, § 1.;*

#### **§ 2304. Refusal to submit to chemical test.**

- (a) If any person requested refuses to submit to a chemical test pursuant to § 2303 of this title, after being informed of the penalty for said refusal, that person shall be prohibited from operating a vessel upon Delaware waters for a period of 1 year. This prohibition shall begin the day of said refusal.
- (b) The Secretary of the Department shall notify in writing said persons of this prohibition and its duration and shall maintain a list of these individuals.
- (c) Operation upon Delaware waters during the period of prohibition provided in subsection (a) of this section shall be punished by a fine of not less than \$500 nor more than \$2,000 and/or 30 days in jail.

*67 Del. Laws, c. 216, § 2.*

#### **§ 2305. Penalties; jurisdiction.**

Whoever is convicted of a violation of § 2302 of this title shall:

- (1) For the 1st offense, be fined not less than \$200 nor more than \$1,000, or imprisoned not less than 60 days nor more than 6 months, or both.

- (2) For a second offense occurring within 5 years from a prior offense, be fined not less than \$500 nor more than \$2,000 and imprisoned not less than 60 days nor more than 18 months. No person sentenced under this subsection shall receive a suspended sentence.
- (3) For a third offense occurring within 5 years from a prior offense, be guilty of a Class G Felony, be fined not less than \$1,000 nor more than \$3,000 and imprisoned not less than one year nor more than two years. The provisions of § 4205(b)(7) or § 4217 Title 11 or any other statute to the contrary notwithstanding, the first 3 months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to an early release, furlough or reduction of any kind. No conviction for violation of this chapter for which a sentence is imposed pursuant to this subsection shall be considered a predicate felony conviction for sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this subsection is applicable shall be considered an underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11.
- (4) For a fourth or subsequent offense occurring any time after three prior offenses, be guilty of a Class E Felony, be fined not less than \$2,000 nor more than \$6,000 and imprisoned not less than 2 years nor more than 5 years. The provisions of this title or any other statute notwithstanding, a court may consider prior offenses outside a five-year period for sentencing pursuant to this subsection. The provisions of § 4205(b)(5) or § 4217 of Title 11 or any other statute to the contrary notwithstanding, the first 6 months of the sentence shall not be suspended, but shall be served at Level V and shall not be subject to any early release, furlough or reduction of any kind. No conviction for violation of this chapter for which a sentence is imposed pursuant to this subsection shall be considered a predicate felony conviction for sentencing pursuant to § 4214 of Title 11. No offense for which sentencing pursuant to this subsection is applicable shall be considered an underlying felony for a murder in the first degree charge pursuant to § 636(a)(2) of Title 11.
- (5) In addition to the penalties otherwise authorized by this section, a person convicted of a violation of § 2302(a) of this title, committed while a person who has not yet reached his or her 17th birthday is on or in the vessel shall:
  - a. For the first offense, be fined an additional minimum of \$200 and not more than an additional \$1,000 and sentenced to perform a minimum of 40 hours of community service in a program benefiting children.

- b. For each subsequent like offense, be fined an additional minimum of \$500 and not more than an additional \$2,000 and sentenced to perform a minimum of eighty hours of community service in a program benefiting children.
  - c. Violation of this subsection shall be considered as an aggravating circumstance for sentencing purposes for a person convicted of a violation of § 2302(a) of this title. Nothing in this subsection shall prevent conviction for a violation of both § 2302(a) of this title and any offense as defined elsewhere by the laws of this state.
  - d. Violation of or sentencing pursuant to this subsection shall not be considered as evidence of either comparative or contributory negligence in any civil suit or insurance claim, nor shall a violation of or sentencing pursuant to this subsection be admissible as evidence in the trial of any civil action.
- (6) A person who has been convicted of prior or previous offenses under this chapter need not be charged as a subsequent offender in the complaint, information or indictment against the person in order to render the person liable for the punishment imposed by this chapter on a person with prior or previous offenses under this chapter. However, if at any time after conviction and before sentence, it shall appear to the Attorney General or to the sentencing court that by reason of such conviction and prior or previous convictions, a person should be subjected to subsection (3) or (4) of this section, the Attorney General shall file a motion to have the defendant sentenced pursuant to those provisions. If it shall appear to the satisfaction of the court at a hearing on the motion that the defendant falls within subsection (3) or (4) of this section, the court shall enter an order declaring the offense for which the defendant is being sentenced to be a felony and shall impose a sentence accordingly.
- (7) The Justice of the Peace Courts shall have jurisdiction for violations of this chapter, except those offenses which must be sentenced pursuant to subsection (3) or (4) of this section.
- (8) In addition to the penalties prescribed in subsections (2), (3) and (4) of this section, anyone convicted of a subsequent like offense shall be ordered to complete a program of education or rehabilitation which may include inpatient treatment and be followed by such other programs as established by the training facility, not to exceed a total of 15 months, and pay a fee not to exceed the maximum fine.

*67 Del. Laws, c. 216, § 2; 70 Del. Laws, c. 186, § 1; 70 Del. Laws, c. 565, § 6.*

### **§ 2306. Enforcement of chapter.**

In addition to any other powers of arrest, any law enforcement officer is hereby authorized to arrest without warrant any person who the officer has probable cause to believe has violated the provisions of this chapter, regardless of whether the alleged violation was committed in the presence of such officer. This authority to arrest extends to any hospital or other medical treatment facility located beyond the territorial limits of the officer's jurisdiction provided there is probable cause to believe that the violation of this chapter occurred within the officer's jurisdiction. This authority to arrest also extends to any place where the person is found within 4 hours of the alleged operation of a vessel if there is reason to believe the person has fled the scene of an accident in which the person was involved, and provided there is probable cause to believe that the violation of this chapter occurred within the officer's jurisdiction.

*67 Del. Laws, c. 216, § 2; 70 Del. Laws, c. 565, § 7.*

### **§ 2307. Persons qualified to administer tests.**

Any person qualified under § 2746 of Title 21 shall be qualified for the purposes of this chapter to withdraw blood from a person submitting to a chemical test or obtaining a specimen of breath or urine under this chapter.

*67 Del. Laws, c. 216, § 2.*

### **§ 2308. Disposition of vessel and property.**

- (a) Where the only person on a vessel is an individual suspected of violating this chapter, the following procedure shall apply:
  - (1) The vessel shall be towed to a safe port and be secured.
  - (2) An inventory of the vessel's contents shall be made. The occupant of the vessel shall sign the inventory and receive a copy thereof.
  - (3) All contents of the vessel shall be secured on the boat whenever possible. If it is not possible to secure the contents on the vessel, the contents must be secured safely elsewhere.
  - (4) The vessel shall remain secured until the vessel's occupant or the occupant's designee is capable of assuming responsibility for the vessel.
- (b) Where more than 1 person is on a vessel which has been stopped for a suspected violation of this chapter, the following procedure shall apply:
  - (1) The vessel shall be towed to a safe port and be secured unless there is a competent person on the vessel who is designated by the operator to take responsibility for the vessel.



- (2) If there is no competent person on the vessel to operate it, the procedures set forth in subsection (a) of this section shall apply.
- (c) A vessel shall be considered at “a safe port and be secured” if:
  - (1) The vessel is placed at a marina under a bailment contract with the marina operator, at the owner’s expense. The marina operator must be paid a storage fee by the owner or operator upon release of the vessel. When a vessel is placed at a marina, the marina operator shall sign and receive a copy of the inventory of the vessel; or
  - (2) The vessel is transported to a state-operated facility.
- (d) Where a vessel which has been stopped for a suspected violation of this chapter has been damaged or has caused damage as a result of its operation in violation of the chapter, the vessel may, at the direction of the investigating agency, be removed and impounded for evidentiary purposes. The vessel shall be inventoried pursuant to subsection (a)(2) of this section, but the vessel shall not be released until evidentiary processing is completed.

*67 Del. Laws, c. 216, § 2; 70 Del. Laws, c. 186, § 1.*

## Authorized Sales Outlets

### DELAWARE BOAT REGISTRATION

#### NEW CASTLE COUNTY

##### Eastern Marine\*

931 S. Chapel Street Ext., Newark, DE 19713 .....302-737-6603

##### Rudy's Outboard Service\*

411 S. Maryland Ave., Wilmington, DE 19804 .....302-999-8735

#### KENT COUNTY

##### Carlisle's Marine\*

49 Artisan Dr., Smyrna, DE 19977 .....302-389-0100

##### Division of Fish & Wildlife\* (will accept mail-ins)

89 Kings Hwy., Dover, DE 19901 .....302-739-9916

#### SUSSEX COUNTY

##### Beach Marine\*

16727 Coastal Hwy., Lewes, DE 19958 .....302-645-7066

##### Bob's Marine Service, Inc.\*

P.O. Box 306, Ocean View, DE 19970 .....302-539-3711

##### Cedar Creek Marina\*

100 Marina Ln., Milford, DE 19963 .....302-422-2040

##### C.H. McKinney & Sons\*

4001 Highway One, Rehoboth, DE 19971 .....302-227-8800

##### Lingo Marine, Inc.

P.O. Box 159, Millsboro, DE 19966 .....302-934-9877

##### Midlantic Marine

32947 Lighthouse Rd., Selbyville, DE 19975 .....302-436-9763

##### Mid Shore Boat Sales

11432 Trussum Pond Rd., Laurel, DE 19956 .....302-875-7958

##### Northbay Marina

36543 Lighthouse Rd., Selbyville, DE 19975 .....302-436-4211

##### Rt. 113 Boat Sales\*

#26 Rt. 113 North, Selbyville, DE 19975 .....302-436-1737

##### Short's Marine, Inc.\*

32415 Long Neck Rd., Millsboro, DE 19966 .....302-945-1200

##### Sturgis Marine, Inc.\*

20676 Sussex Hwy., Seaford, DE 19973 .....302-629-3581

##### Taylor Marine Center

22699 Argos Corner Rd., Milford, DE 19963 .....302-422-9177

##### Walker's Marine, Inc.\*

P.O. Box 247, Seaford, DE 19973 .....302-629-8666

\*Denotes agent also sells boat ramp certificate

## Authorized Sales Outlets

### *RAMP CERTIFICATES*

#### **NEW CASTLE COUNTY**

##### **Port Penn B & T**

P.O. Box 74, Port Penn, DE 19731 .....302-834-7807

#### **KENT COUNTY**

##### **Donovan's Dock**

42 Murderkill Avenue Frederica, DE 19946.....302-335-3500

##### **Smith's Bait Shop**

500 Denny St., Leipsic, DE 19901.....302-744-9140

##### **Sonny's Bait & Tackle**

N. Bowers Beach Frederica, DE 19943.....302-335-4675

#### **SUSSEX COUNTY**

##### **Bill's Sport Shop**

1566 S. Highway One, Lewes, DE 19958.....302-645-7654

##### **Cedar Creek Bait & Tackle**

RD 1 Box 422., Milford, DE 19963.....302-422-4227

##### **Henlopen Bait & Tackle**

1622 Savannah Rd. Ext., Lewes, DE 19958.....302-645-8106

##### **Hookem & Cookem**

838 Inlet Rd., Rehoboth, DE 19971 .....302-226-8220

##### **Indian River Marina\***

838 Inlet, Rehoboth Beach, DE 19971.....302-227-3071

##### **Lewes Harbor Marina**

P.O. Box 788, Anglers Rd., Lewes, DE 19958.....302-645-6227

##### **Old Inlet Bait & Tackle**

P.O. Box 129, Rehoboth Beach, DE 19971 .....302-227-7974

# DELAWARE FISH AND WILDLIFE FACILITIES GUIDE

	Nature Study	Tidal	Small Game	Deer	Waterfowl	Boat Launch	Crabbing	Picnicking	Horseback	Fresh
<b>NEW CASTLE COUNTY</b>										
Augustine Beach Access	●	●				●	●	●		
Augustine Wildlife Area, Main Tract	●	●	●	●	●	●				
Becks Pond	●					●				●
C&D Canal - Wildlife Area	●	●	●	●	●		●	●		
Cedar Swamp Wildlife Area	●	●	●	●	●					
Collins Beach	●	●			●	●				
Christina River, 7th Street	●	●				●				●
Christina River, Churchmans Pond	●	●				●				●
Fort DuPont Public Boat Ramp	●	●				●				
Appoquinimink River/Odessa	●	●				●				●
Newport		●				●				●
<b>KENT COUNTY</b>										
Andrews Lake	●					●				●
Blackiston Wildlife Area	●		●	●						
Bowers Beach Access Area	●	●				●		●		
Courseys Pond /tidal below spillway	●	●				●		●	●	
Derby Pond	●					●		●		●
Garrisons Lake /tidal below spillway	●	●				●		●		●
Little Creek Wildlife Area	●		●	●	●	●	●			
Massey Pond	●					●				●
McColley Pond	●									●
McGinnis Pond/tidal below spillway	●					●				●
Milford Neck Wildlife Area	●	●	●	●	●					
Mudmill Pond (back part in Maryland)	●					●		●		●
Moores Lake/tidal below spillway	●	●				●		●		●
Norman G. Wilder Wildlife	●		●	●					●	
St. Jones River, Scotton Landing	●	●			●	●	●	●		
Tub Mill Pond	●					●				●
Port Mahon Access Area/fishing pier	●	●			●	●	●			
Woodland Beach Wildlife Area	●	●	●	●	●	●	●			
Woodland Beach Fishing Pier	●	●					●	●		
Lebanon Landing		●				●				●
<b>KENT AND SUSSEX COUNTIES</b>										
Blairs Pond	●					●		●		●
Griffiths Pond	●					●		●		●
Haven Lake	●					●		●		●
Silver Lake, Milford	●									●

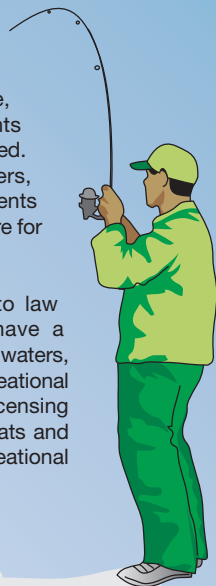
# DELAWARE FISH AND WILDLIFE FACILITIES GUIDE

	Nature Study	Tidal	Small Game	Deer	Waterfowl	Boat Launch	Crabbing	Picnicking	Horseback	Fresh
<b>SUSSEX COUNTY</b>										
Abbotts Pond	●					●		●		●
Assawoman Wildlife Area	●	●	●	●	●	●	●	●		
Wagamon's Pond	●					●		●		●
Cedar Creek Access Area	●	●			●	●	●			
Chipmans Pond	●					●		●		●
Concord Pond	●					●		●		●
Craigs Pond	●					●		●		●
Hearns Pond	●					●		●		●
Horseys Pond	●					●		●		●
Ingrams Pond	●					●		●		●
Lewes-Rehoboth Canal (Pilottown XXX-Lewes)		●				●				
Marshy Hope Wildlife Area	●		●	●						
Massey Landing Public Boat Ramp		●			●	●	●			●
Massey Landing Fishing Pier	●	●					●			
Millsboro Pond	●					●				●
Midlands Wildlife Area	●		●	●						
Milton Access Area/ Broadkill River	●	●				●		●		●
Nanticoke Wildlife Area	●	●	●	●	●	●				●
Old Furnace Wildlife Area	●	●	●							
Phillips Landing	●	●			●	●		●		●
Portsville Pond	●					●				●
Prime Hook Wildlife Area (state)	●		●	●	●	●				●
Raccoon Pond	●									●
Seaford Public Boat Ramp	●	●			●	●		●		●
Seaford Fishing Pier	●	●						●		
Waples Pond	●									●
Records Pond	●					●		●		●
Tussock Pond	●					●		●		●
Edward G. Koch, Fishing Area	●	●						●		●
Broad Creek		●				●				
<b>BARRIER FREE</b>										
Ted Harvey, Logan Lane Pond	●	●	●	●	●	●				
Broad Creek Fishing Pier	●	●								●
Records Pond (fishing pier)	●									●
Rosedale Access Area		●			●	●	●			●
Broadkill River Fishing Pier	●	●								●

# Delaware Requires New License for Fishing in Fresh and Tidal Waters

Delaware has new fishing license requirements for 2008: A fishing license now covers both fresh and tidal waters; and for the first time, Delaware residents and non-residents fishing in tidal waters must be licensed. Whether fishing fresh or tidal waters, the license costs the same for residents (\$8.50) as in past years, but costs more for non-residents.

The passage of House Bill 107 into law requires anglers in Delaware to have a fishing license for both fresh and tidal waters, while the license also is valid for recreational crabbing and clamming. The new licensing law includes new fees for charter boats and head boats and an option for a recreational boat fishing license.




## DELAWARE FISHING LICENSE (Effective Jan. 1, 2008)

LICENSE	LICENSE FEE	AGENT FEE	MAX. COST
Resident Fishing (Age 16-64)	\$8.50	\$1.50	\$10.00
Non-Resident Fishing (Age 16 and Over)	\$20.00	\$1.50	\$21.50
7-Day Non-Resident Fishing (Age 16 and Over)	\$12.50	\$1.50	\$14.00
Resident Trout Stamp (Age 16 -64)	\$4.20	\$1.00	\$5.20
Non-Resident Trout Stamp (Age 12 and Over)	\$6.20	\$1.00	\$7.20
Young Angler Trout Stamp (Age 12-15)	\$2.10	\$1.00	\$3.10
*Resident Boat Fishing (Vessel 20' and Below)	\$40.00	\$1.50	\$41.50
*Resident Boat Fishing (Vessel Over 20')	\$50.00	\$1.50	\$51.50
*Resident Head Boat License	\$300.00	\$1.50	\$301.50
*Resident Charter Boat License	\$150.00	\$1.50	\$41.50
*Non-Resident Boat Fishing (Vessel 20' and Below)	\$40.00	\$1.50	\$151.50
*Non-Resident Boat Fishing (Vessel Over 20')	\$50.00	\$1.50	\$51.50
*Non-Resident Head Boat License	\$600.00	\$1.50	\$601.50
*Non-Resident Charter Boat License	\$300.00	\$1.50	\$301.50

\* New licenses

# Required Equipment Checklist for Delaware

	PWC	Boat Less Than 16 Ft. (Class A)	Boat 16 Ft. To Less Than 26 Ft. (Class 1)
Boater Safety Education Card On Board	✓ <sup>1</sup>	✓ <sup>2</sup>	✓ <sup>2</sup>
Registration Card On Board	✓	✓	✓
Validation Sticker Displayed	✓	✓	✓
PFDs: Type I, II, or III	✓ <sup>3</sup>	✓ <sup>4</sup>	✓ <sup>4</sup>
PFD: Type IV			✓
Type B-I Fire Extinguisher	✓	✓	✓
Ignition Safety Switch	✓		
Flame Arrestor	✓	✓ <sup>5</sup>	✓ <sup>5</sup>
Ventilation System	✓	✓	✓
Horn, Whistle, or Bell	✓	✓	✓
Daytime Visual Distress System			✓ <sup>6</sup>
Nighttime Visual Distress System	✓ <sup>7</sup>	✓ <sup>6</sup>	✓ <sup>6</sup>
Navigation Lights	✓ <sup>7</sup>	✓	✓

1. No one under the age of 14 years may operate a PWC under any conditions. A person 14 and 15 years of age who holds a boating safety certificate may operate a PWC only if under the direct supervision of his or her parent or legal guardian. Those 16 years of age and older, who hold a boating safety certificate may operate a PWC without age restrictions.
2. All operators born on or after January 1, 1978, must have successfully completed a boating course approved by the DNREC. The only exceptions are persons with a valid U.S. Coast Guard license, or a valid Delaware River Captain and Bay Pilot's license or equivalent.
3. Those riding on or being towed by a PWC must *wear* a PFD at all times.
4. Children 12 years old and younger must *wear* a USCG–approved Type I, II, III, or V PFD at all times while on any boat except when the child is below deck or in an enclosed cabin or when the boat is at anchor or moored.
5. Required on inboard and stern drives only.
6. Required only if operating on federally controlled waters.
7. It is strongly recommended that PWCs are not operated after dark. However, if one is operated at night, it has the same requirements for visual distress signals and navigation lights as boats less than 16 feet in length.

# Delaware Department of Natural Resources and Environmental Control



Everything you  
need to know about  
boating in Delaware  
is just a **CLICK** away!

**[www.fw.delaware.gov/Boating/Pages/  
Delaware\\_Boating\\_Safety.aspx](http://www.fw.delaware.gov/Boating/Pages/Delaware_Boating_Safety.aspx)**

**learn just about  
everything you want  
to know about what  
is going on outdoors  
in Delaware!**

Find out about boating in  
Delaware:

- Boating laws
- Boating safety class  
schedules
- Locations of boating  
access sites
- Pump-out facilities
- Locations of boat  
registration license agents
- Fishing and hunting  
licenses
- Locations of fishing  
areas
- Tide tables

