

Motor Boating and Personal Watercraft Safety and Education Regulations Mountain Island Lake Marine Commission

Section 1. Short Title: These regulations may be cited as the Mountain Island Lake Motor Boating, Personal Watercraft Safety and Education Regulations.

Section 2. Legislative Intent: It is the intent of the Mountain Island Lake Marine Commission (the “Commission”) to enact regulations applicable to Mountain Island Lake that:

- supplement the boating laws and regulations enacted or adopted by the North Carolina General Assembly and the North Carolina Wildlife Resources Commission; and
- promote safe boating on Mountain Island Lake; and
- enhance the knowledge and practice of water safety and promote careful vessel operation; and
- facilitate the prompt and accurate identification of the boating public; and

to these ends, the following Regulations are adopted:

Section 3. Definitions: As used in these Regulations, the following terms have the following meaning unless the context clearly requires a different meaning:

(a) **General Statutes:** Except as provided in Section 3(b) below, all terms set forth in NCGS § 75A-2 and § 75A-13.3(a) are incorporated by reference herein as part of these regulations.

(b) **Motorboat** means any vessel equipped with propulsion machinery of any type, whether or not such machinery is the principal source of propulsion. Provided that “propulsion machinery,” as used in these regulations, does not include any electric motor or an internal combustion engine with ten or fewer horsepower, when either is used as the only means of mechanical propulsion of any vessel. Provided further, that the term “motorboat” does not include a “personal watercraft” as defined in NCGS § 75A-13.3.

(c) **Towed Accessory** means water skis, shoe skis, one’s feet, kneeboards, aquaplanes, surf boards, saucers, inflatable rafts or tubes, and similar devices being towed or pulled by a vessel.

(d) **Towing a Towed Accessory** means the act of pulling or causing a towed accessory to move on or through the water.

(e) **Motor Boating / Personal Watercraft Safety Identification Card** means a document, card or certificate that identifies the operator by photograph and certifies that the operator has completed a motor boating safety course, non-Internet administered, sanctioned by the National Association of State Boating Law Administrators (“NASBLA”). An operator

having on his or her person (1) a driver's license or other pictured identification and (2) a certificate issued by an organization whose non-Internet course work has been certified by NASBLA, is deemed to possess the equivalent of a *Motor Boating Safety / Personal Watercraft Identification Card*.

Section 4. Observer/Rear-view Mirror Requirements: Any person who operates any motorboat towing a towed accessory must have present in the motorboat, a person, other than the operator, who must at all times observe the progress of the person being towed, unless the motorboat is equipped with one or more marine rated mirrors, adequate to observe the person(s) being towed.

Section 5. Operator Age Requirements

(a) Motorboats

(i) No person under the age of twelve (12) years of age may operate a motorboat except for the purpose of learning how to safely operate the motorboat while under the direct supervision and control of a person eighteen (18) years of age or older.

(ii) No person age twelve (12) but under sixteen (16) years of age, may operate a motorboat unless such person has satisfied the requirements for and is in possession of a Motor Boating / Personal Watercraft Safety Identification Card, or such person is under the direct supervision and control of a person eighteen (18) years of age or older.

(b) Responsibility - It is unlawful for the owner of any vessel or any person having charge or control over a vessel to authorize or knowingly permit the vessel to be operated by a person in violation of Sections 4 or 5 or State laws.

Section 6. Personal Flotation Devices

(a) Towed Persons No person may be towed without wearing an adequate and effective U.S. Coast Guard approved, 50 mph impact class, personal flotation device, in good and serviceable condition and of appropriate size, or a suit specifically designed for barefoot skiing in good and serviceable condition.

(b) Vessel Operator No operator of any vessel may tow any person who is in violation of Subsection (a) and the respective State laws addressing Personal Flotation Devices.

Section 7. Exemptions

(a) The provisions of Section 6 do not apply to performers during water shows or practice and/or rehearsals for such water shows conducted by organized clubs or to performers engaged in a professional exhibition.

(b) The provisions of Sections 5 and 6 do not apply to any person who is attempting to save or rescue another person in danger of sustaining substantial injury or loss of life.

Section 8. Miscellaneous Provisions: A Motor Boating / Personal Watercraft Safety Identification Card may be reissued to the holder at his or her request on application, proof of compliance and, payment of a replacement fee set by the Commission or its designee without the applicant having to retake the safety course.

Section 9. Penalties: Any violation of the above regulations is a Class 3 misdemeanor.

Section 10. These regulations take effect on May 15, 2001.

Section 11. These regulations supersede and hereby repeal and replace in their entirety, the Motorboating, Personal Watercraft and Specialty Prop-Craft Safety and Education Regulations Mountain Island Lake Marine Commission, which were passed June 7, 2000.

APPROVED BY THE MOUNTAIN ISLAND LAKE MARINE COMMISSION
ON APRIL 4, 2001.

For questions or copies of these Regulations please contact:

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