

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Division of Law Enforcement**

**REQUIREMENTS AND STANDARDS FOR VESSELS
AND ASSOCIATED EQUIPMENT**



June 1, 2014

AUTHORITY: These regulations are adopted pursuant to Chapters 42-17.1 and 46-22 of the Rhode Island General Laws of 1956, as amended, in accordance with R.I. General Laws Chapter 42-35, the *Administrative Procedures Act*.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Division of Enforcement

RULES AND REGULATIONS FOR
REQUIREMENTS AND STANDARES FOR BOATS AND ASSOCIATED EQUIPMENT

REQUIREMENTS.....3

RULE 1. PURPOSE.....3

RULE 2. AUTHORITY.....3

RULE 3. APPLICATION.....3

RULE 4. DEFINITIONS.....3

RULE 5. ENFORCEMENT.....5

RULE 6. PERSONAL FLOATATION DEVICES5

RULE 7. FIRE EXTINGUISHING EQUIPMENT.....6

RULE 8. BACKFIRE FLAME CONTROL.....8

RULE 9. VENTILATION.....9

RULE 10. NAVIGATION LIGHTS AND DAY SHAPES.....10

RULE 11. SOUND PRODUCING DEVICES.....12

RULE 12. VISUAL DISTRESS SIGNALS.....13

RULE 13. UNIFORM STATE WATERWAY MARKER SYSTEM.....14

RULE 14. ACCIDENTS AND CASUALTIES.....15

RULE 15. RULES OF NAVIGATION.....15

RULE 16. WARNING FLAGS FOR SCUBA DIVERS, SKIN DIVING OR SNORKLING.....15

RULE 17. REQUIREMENTS FOR TOWING SKIERS.....16

RULE 18. VESSEL REGISTRATION NUMBERING AND DISPLAY OF NUMBERS.....17

RULE 19. PENALTIES.....18

RULE 20. SEVERABILITY.....18

RULE 21. SUPERSEDED RULES AND REGULATIONS.....18

RULE 22. EFFECTIVE DATE.....19

REQUIREMENTS AND STANDARDS FOR BOATS
AND ASSOCIATED EQUIPMENT

RULE 1. PURPOSE

These rules and regulations are promulgated in accordance with R.I. General Laws Section 46-22-5(J) to adopt regulations consistent with the Federal Boating Safety Act of 1971, as amended.

RULE 2. AUTHORITY

These rules and regulations are promulgated pursuant to R.I. General Laws Chapter 42-17.1, Environmental Management, and General Laws Section 46-22-5(J) in accordance with Chapter 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

FEDERAL PREEMPTION ACT:

State statutes and regulations concerning boats and associated equipment standards and requirements must conform to the Federal Boating Safety Act of 1971, as amended, which provides:

“Unless permitted by the Secretary under Section 1 of this Act, no State or political subdivision thereof may establish, continue in effect, or enforce any provision of law or regulation which establishes any boat or associated equipment performance or other safety standard, or which imposes any requirement for associated equipment, except, unless disapproved by the Secretary, the carrying or using of marine safety articles to meet uniquely hazardous conditions or circumstances within the State, which is not identical to a Federal regulation issued under Section 6 of this Act.”

RULE 3. APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purposes of state law, goals, and policies.

RULE 4. DEFINITION

For the purposes of these regulations, the following terms shall have the following meanings:

- (a) **“Aids to Navigation,”** means any device designed or intended to assist the navigator to determine his/her position or safe course or to warn him/her of danger or obstructions to navigation.
- (b) **“All-round light”** means a light showing an unbroken light over an arc of 360 degrees.
- (c) **“Canoe”** means a narrow vessel or shallow draft, typically pointed at both ends and propelled by human power, and includes kayaks.
- (d) **“Kiteboard”** means a vessel, similar in appearance to a surfboard, with or without foot-straps or bindings, combined with a large controllable kite to propel the rider and board across the water.
- (e) **“Masthead light”** means a white light placed over the fore and aft centerline of the 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 its respective side.
- (f) **“Motorboat,”** as defined by 46 CFR 24.10, means any vessel 65 feet (19.8 meters) in length or less that is propelled by machinery. The word “motorboat” includes a boat temporarily or permanently equipped with a detachable motor. For purposes of this chapter, motorboat shall not include houseboats as defined in Rhode Island general Laws section 44-5-25.1.

- (g) **“Motor vessel,”** as defined by 46 CFR 24.20(b) means any vessel more than 65 feet (19.8 meters) in length that is propelled by machinery.
- (h) **“Paddleboard”** means a vessel consisting of a large board which is stable enough to support a person standing while it is paddled in a manner similar to operating a canoe and is “practically capable” and intended to be used as a water sport activity beyond the narrow limits of a swimming, surfing, or bathing area. A paddleboard being used within the limits of a swimming, surfing, or bathing area is not considered a vessel at that time and not subject to the safety equipment carriage requirements of these regulations.
- (i) **“Personal flotation device (PFD)”** means a lifesaving floatation device approved by the United States Coast Guard, pursuant to Title 46 Code of Federal Regulations Part 160.
- (j) **“Personal watercraft”** means a vessel, less than 16 feet (4.9 meters) in length that is propelled by machinery and is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than the conventional manner of sitting or standing inside of the vessel.
- (k) **“Racing shell, rowing scull, and racing kayak”** means a manually propelled vessel that is recognized by national or international racing association(s) 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 equipment.
- (l) **“Readily accessible”** when used to describe the accessibility of personal floatation device(s) (PFDs), fire extinguisher(s), and visual distress device(s) means that the equipment described is visible to the operator and passengers and easy to gain access to in the event of an emergency.
- (m) **“Regulatory markers”** means any device which indicates to a vessel operator the existence of dangerous areas as well as those which are intended to restrict or control, such as speed zones and areas indicated to a particular use or to provide general information and directions. This includes, but is not limited to, bathing markers, speed zone markers, information markers, danger zone markers, boat keep out areas, and mooring areas.
- (n) **“Rowboat”** means any vessel, except a canoe, that is designed to be rowed by human power by oars or paddles and upon which there is no mechanical propulsion device or sail used for the operation of the vessel.
- (o) **“Sailboat”** means any vessel equipped with masts and sails, dependent upon the wind to propel it in the normal course of operation.
- (p) **“Sailboard”** means a vessel, similar in appearance to a surfboard, equipped with a swivel mounted mast and sail not secured to a hull by guys or stays.
- (q) **“Serviceable condition”** when used to describe the condition of personal floatation device(s) (PFDs), fire extinguisher(s), and visual distress device(s) means that the device is in working condition and is as manufactured without modification or missing, broken or torn parts, and any expiration date on the device is still valid.
- (r) **“Sidelights”** 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 39.37 feet (12 meters) 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.

- (s) **“Sternlight”** means a white light placed as nearly 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 the right aft on each side of the vessel.
- (t) **“Throwable PFD”** means a personal floatation device that is intended to be thrown to a person in the water and used in accordance with any limitations specified on the U.S. Coast Guard approved label and with the manufacturer’s instructions. A specifically marked “wearable” PFD is not a throwable PFD.
- (u) **“Underway”** means that a vessel is not at anchor, or made fast to the shore, or aground.
- (v) **“Vessel”** means every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.
- (w) **“Wearable PFD”** means a personal floatation device that is intended to be worn or otherwise attached to the body and used in accordance with any limitations specified on the U.S. Coast Guard approved label and with the manufacturer’s instructions.
- (x) **“Whistle”** means any sound signaling appliance which complies with the specifications of Title 33 Code of Federal Regulations 86, Annex III-Technical Details of Sound Signaling Appliances.

RULE 5. ENFORCEMENT

Pursuant to R.I. General Laws Section 46-22-17, the Department of Environmental Management Environmental Police Officers, harbor masters, and police officers have the authority to enforce state laws and regulations on all tidal and non-tidal waters of the state. In his/her jurisdiction, an enforcement officer has the authority to stop and board any vessel to check for compliance with state law.

RULE 6. PERSONAL FLOATATION DEVICES

(1) **APPLICABILITY**

These regulations shall apply to all vessels used on waters subject to the jurisdiction of the State, except

- (a) Racing shells, rowing sculls, racing kayaks, and any vessel engaged in a sanctioned regatta, race or a practice held within 48 hours of the sanctioned event.

(2) **PERSONAL FLOATATION DEVICES REQUIRED**

(a) No person may use a vessel less than 16 feet (4.9 meters) in length including canoes, kayaks, sailboards, kiteboards and paddleboards unless:

- (1) At least one wearable U.S. Coast Guard approved PFD is on a vessel for each person on board.
- (2) Each wearable PFD is used in accordance with any requirements on the U.S. Coast Guard approved label and used in accordance with the manufacturer’s recommendations for its intended use.

(b) No person may use a vessel 16 feet (4.9 meters) or more in length unless:

- (1) At least one wearable U.S. Coast Guard approved PFD is on a vessel for each person on board.

- (2) Each wearable PFD is used in accordance with any requirements on the U.S. Coast Guard approved label and used in accordance with the manufacturer's recommendations for its intended use.
- (3) One U.S. Coast Guard approved throwable PFD is on a vessel in addition to the number of wearable PFD's required.

(3) EXEMPTIONS

- (a) Canoes, kayaks, sailboards, kiteboards and paddleboards 16 feet (4.9 meters) in length and greater are exempted from the carriage requirements of having one throwable PFD on board the vessel

(4) STOWAGE

- (a) No person may use a vessel unless each wearable PFD is readily accessible.
- (b) No person may use a vessel unless each throwable PFD is readily accessible

(5) CONDITIONS: APPROVAL: MARKING

No person may use a vessel unless each PFD required is:

- (a) In serviceable condition, i.e.: all straps, hardware, cover, floatation material in undamaged condition.
- (b) Legibly marked with the approval number from the U.S. Coast Guard as specified in 46 CFR Part 160 for items subject to approval.
- (c) Of an appropriate size for the person for whom it is intended.

(6) FLOTATION DEVICES: CHILDREN

Pursuant to Rhode Island General Law Section 46-22-9.2, any person transporting a child under 13 years of age in a recreational vessel less than 65 feet (19.8 meters) in length on the waters of this state shall require that the child wear a wearable PFD approved by the U.S. Coast Guard while underway, unless below deck in a closed cabin.

RULE 7. FIRE EXTINGUISHING EQUIPMENT

(1) APPLICABILITY

This section applies to all motorboats and motor vessels used on waters subject to the jurisdiction of this State.

(2) PROHIBITION

No person may use a motorboat or motor vessel unless it meets the requirements of subsection (3) through (8).

(3) CLASSIFICATION OF FIRE EXTINGUISHING EQUIPMENT

- (a) Hand portable fire extinguishers and semi-portable fire extinguishing systems are classified by a combination letter and number symbol; the letter indicates the type of fire which the unit could be expected to extinguish, and the number indicates the relative size of the unit.

- (b) For the purpose of this section, all required hand portable extinguishers and semi-portable fire extinguishing systems are of the “B” type, i.e., suitable for extinguishing fires involving flammable liquids, greases, etc.
- (c) The number designations for size will start with “I” for the smallest to “V” for the largest. For the purpose of this section, 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 semi-portable 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.

(4) FIRE EXTINGUISHING EQUIPMENT REQUIRED

- (a) All motorboats shall carry at least the minimum number of hand held portable fire extinguishers set forth in Table 7-1, except motorboats less than 26 feet (7.9 meters) in length, propelled by outboard motors and not carrying passengers for hire. These need not carry such portable fire extinguishers if the construction of such motorboats will not permit the entrapment of explosive or flammable gases or vapors. See subsection (5).

TABLE 7-1 MINIMUM NUMBER OF B-I HAND PORTABLE FIRE EXTINGUISHERS REQUIRED

LENGTH OF VESSEL	WITHOUT AN APPROVED FIXED FIRE EXTINGUISHING SYSTEM	WITH AN APPROVED FIXED FIRE EXTINGUISHING SYSTEM
Less than 26 feet (7.9 meters) in length	1	0
26 feet (7.9 meters) to less than 40 feet (12.2 meters)	2	1
40 feet (12.2 meters) to 65 feet (19.8 meters) in length	3	2
NOTE: One B-II Hand portable fire extinguisher may be substituted for two B-I hand portable fire extinguishers		

- (b) All motor vessels shall carry at least the minimum number of hand portable fire extinguishers set forth in Table 7-2 and the following fire extinguishing equipment fitted in each machine space:
 - (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 to be carried.
 - (2) On motor vessels over 300 gross tons, either one Type B-III semi-portable fire extinguishing systems shall be fitted, or alternatively, a fixed fire extinguishing system shall be fitted in the machinery space. The frame or support of each Type B-III fire extinguisher required must be welded or otherwise permanently attached to a bulkhead or deck.

TABLE 7-2 MINIMUM NUMBER OF B-II HAND PORTABLE FIRE EXTINGUISHERS REQUIRED

GROSS TONNAGE	NUMBER OF B-II FIRE EXTINGUISHERS
0-50 TONS	1
50-100 TONS	2
100-500 TONS	3
500-1000 TONS	6
OVER 1000 TONS	8

(5) EXEMPTIONS

A person using a motorboat equipped with an outboard motor, less than 26 feet (7.9 meters) in length need not comply with Table 7-1 if the construction of such motorboat will not permit the entrapment of explosive or flammable gases or vapors. **The motorboat must comply with Table 7-1 if one or more of the following conditions exist:**

- (a) Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
- (b) Double bottoms are not sealed to the hull or that are not completely filled with floatation material.
- (c) Closed living spaces.
- (d) Closed stowage compartments in which combustible or flammable materials are stowed.
- (e) Permanently installed fuel tanks; a tank is considered permanently installed if it is secured so that it cannot be moved in case of a fire or other emergency or if it is such a weight that it cannot be moved by persons on board.

(6) STOWAGE

Each item of fire extinguishing equipment required by subsection (4) and (5) must be:

- (a) Stowed away from the potential hazard area.
- (b) Readily accessible.

(7) APPROVAL: CONDITION: MARKING

Each item of hand portable or semi-portable fire extinguishing equipment and each fixed fire extinguishing system required by subsection (4) and (5) must be:

- (a) Approved by the U.S. Coast Guard, under 46 CFR 162.028, 162.029 or 162.039 as applicable.
- (b) In good serviceable condition.

(8) FIRE EXTINGUISHING EQUIPMENT PROHIBITED

The carriage of the following types of fire extinguishers is prohibited:

- (a) Dry chemical stored pressure type, not fitted with pressure gauges or indicating devices.
- (b) Vaporizing liquid type containing tetrachloride, chloroboromethane, or other toxic vaporizing liquids.

RULE 8. BACKFIRE FLAME CONTROL

(1) APPLICABILITY

This section applies to all motorboats and motor vessels, used on the waters subject to the jurisdiction of the State, and to which regulations apply, in which gasoline engines are installed, except vessels equipped with outboard motors.

(2) BACKFIRE FLAME CONTROL REQUIREMENT

No person may use a motorboat or motor vessel to which this section applies, unless each engine is provided with at least one of the following means of backfire flame control:

- (a) Backfire flame arrestor.
- (b) An engine air and fuel induction system.
- (c) An attachment to the carburetor or a location of the engine air induction system by means of which flames caused by engine backfire will be dispersed to the atmosphere outside the boat in such a manner that the flames will not endanger the boat, persons on board, or nearby vessels and structures.
- (d) On boats having an integrated engine-boat design, an engine air induction system.

(3) APPROVAL: MARKING: CONDITION

With the exception of subsections (4) and (5), no person may use a motorboat or motor vessel to which this section applies, unless each backfire flame control installation required by subsection (2) is:

- (a) Approved by the U.S. Coast Guard under 46 CFR 162.
- (b) Marked according to the requirements in 46 CFR 162.
- (c) Maintained in serviceable condition.

(4) INSTALLATION NOT REQUIRING APPROVAL

Any attachment designed, constructed, and installed under the provisions of subsection (2)(c) does not require approval and labeling. However, all attachments shall be of metallic construction with flame-tight connections, firmly secured to withstand vibrations, shock and engine backfire, and maintained in serviceable condition.

(5) INSTALLATION WITH PRIOR APPROVAL

Installation consisting of backfire flame arresters or engine air and fuel induction systems bearing U.S. Coast Guard approval No. 162.015 need not meet the detailed requirements of subsection (4) and may continue to be in use as long as they are maintained in serviceable condition. Replacements shall meet the applicable conditions in this section.

RULE 9. VENTILATION

(1) APPLICABILITY

This section applies to all motorboats and motor vessels used on waters subject to the jurisdiction of this State.

(2) PROHIBITION

No person may use a motorboat or motor vessel unless it meets the requirements of subsection (3).

(3) TANKS AND ENGINE SPACES

- (a) All motorboats or motor vessels to which this section applies, except open boats, the construction or decking over of which is commenced after April 25, 1940, and which use fuel having a flash-point of 110 degrees Fahrenheit or less, shall have at least 2 ventilator ducts fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gasses from the bilges of every engine and fuel tank compartment. There shall be 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 installed so as to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake. The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being re-circulated.
- (b) As use in this section, the term “Open Boats” means those motorboats or motor vessels with all engine and fuel tank compartments and other spaces to which explosive or flammable gasses and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gasses and vapors within the vessel.

RULE 10. NAVIGATION LIGHTS AND DAY SHAPES

(1) APPLICABILITY

Every vessel, used on the waters subject to the jurisdiction of this State, and subject to these regulations, from sunset to sunrise, and other periods of reduced visibility, shall carry and exhibit the following lights while underway or at anchor, and during such time, no other lights which may be mistaken for those prescribed shall be exhibited. The rules concerning shapes shall be complied with by day, sunrise to sunset.

(2) VISIBILITY

The lights prescribed in these rules shall be visible at the following minimum ranges:

- (a) Vessels of 164.04 feet (50 meters) or more in length:
 - (1) A masthead light: 6 miles
 - (2) A sidelight: 3 miles
 - (3) A sternlight: 3 miles
 - (4) A white, red, or green all-round light: 2 miles
- (b) Vessels of 39.4 feet (12 meters) or more but less than 164.04 feet (50 meters) in length:
 - (1) A masthead light: 5 miles, except that where the length of the vessel is less than 65.6 feet (20 meters): 3 miles
 - (2) A sidelight: 2 miles
 - (3) A stern light: 2 miles
 - (4) A white, red, or green all-round light: 2 miles
- (c) Vessels of less than 39.4 feet (12 meters) in length
 - (1) A masthead light: 2 miles
 - (2) A sidelight: 1 mile
 - (3) A stern light: 2 miles

(4) A white, red, or green all-round light: 2 miles

(3) POWER DRIVEN VESSELS WHILE UNDERWAY

- (a) A power driven vessel underway shall exhibit a masthead light forward, a second masthead light abaft of and higher than the forward one, except that a vessel of less than 164.04 feet (50 meters) in length shall not be obliged to exhibit a second masthead light abaft of and higher than the forward one but may do so. Sidelights and a stern light shall also be exhibited.
- (b) A power driven vessel of less than 39.4 feet (12 meters) in length may, in lieu of the lights prescribed in subsection 3(a) of this Rule, exhibit an all-round white light, and sidelights.

(4) SAILING VESSELS UNDERWAY AND MANUALLY PROPELLED VESSELS

- (a) A sailing vessel underway shall exhibit sidelights and a sternlight.
- (b) A sailing vessel of less than 65.6 feet (20 meters) in length may, in lieu of the lights prescribed in subsection 4(a) of this Rule, may combine the lights in subsection 4(a) in one lantern carried at or near the top of the mast where it can best be seen.
- (c) A sailing vessel underway may, in addition to the lights prescribed in subsection 4(a) of this Rule, exhibit at or the near 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 green, but these lights shall not be exhibited in conjunction with the combined lantern permitted by subsection 4(b) of this Rule.
- (d) A sailing vessel of less than 22.97 feet (7 meters) in length shall, if practicable, exhibit the lights prescribed in subsection 4(a) or 4(b) of this Rule, 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.
- (e) A manually propelled vessel may exhibit the lights prescribed in this Rule 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.
- (f) A vessel proceeding under sail, when also being propelled by machinery, shall exhibit forward, a conical shape, apex downward, where it can best be seen. A vessel less than 39.4 feet (12 meters) in length is not required to exhibit this shape, but may do so.
- (g) Sailing vessels using machinery, or sail and machinery, must display lights required for power driven vessels in section (3).

(5) ANCHORED VESSELS AND VESSELS AGROUND

- (a) Vessels at anchor shall exhibit where it can best be seen in the fore part, an all-round white light or one ball; and at or near the stern, an all-round white light at a lower level than the all-round white light or one ball in the fore part where it can best be seen.
- (b) Vessels of less than 164.04 feet (50 meters) in length may exhibit an all-round white light where it can best be seen instead of the lights prescribed in subsection 5(a) of this Rule.
- (c) A Vessel at anchor may, and a vessel of 328.1 feet (100 meters) or more in length, shall also use the available working or equivalent lights to illuminate her decks.
- (d) A vessel aground shall exhibit the lights prescribed in subsection 5(a) or 5(b) of this Rule and in addition, if practicable, where they can best be seen, two all-round red lights in a vertical line or three balls in a vertical line.
- (e) Vessels of less than 22.97 feet (7 meters) 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 subsections 5(a) and 5(b) of this Rule.
- (f) Vessels of less than 39.4 feet (12 meters) in length, when aground, shall not be required to exhibit two all-round red lights in a vertical line or three balls in a vertical line as prescribed in paragraph (5d) of this Rule.

RULE 11. SOUND PRODUCING DEVICES

(1) APPLICABILITY

This section applies to all vessels used on waters subject to the jurisdiction of this State, except:

- (a) Racing shells, rowing skulls, racing kayaks, and any vessels engaged in a sanctioned regatta, race or a practice held within 48 hours of the sanctioned event.

(2) PROHIBITION

No person may use a vessel to which this section applies unless it meets the requirements of Title 33 Code of Federal Regulations 86, Annex III-Technical Details of Sound Signal Appliances.

(3) REQUIREMENTS

- (a) Vessels of 39.4 feet (12 meters) but less than 65.6 feet (20 meters) in length shall be provided with a whistle audible for 1/2 nautical mile; a vessel 65.6 feet (20 meters) but less than 328.1 feet (100 meters) in length shall be provided with a whistle and a bell audible for 1 nautical mile; a vessel 328.1 feet (100 meters) in length or more shall be provided with a whistle, bell and a gong, the tone of which cannot be confused with that of a bell. For all vessels, the bell or gong or both may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.

- (b) Vessels of less than 39.4 feet (12 meters) including canoes, kayaks, sailboards, kiteboards, and paddleboards shall carry some means of making an efficient sound signal capable of a 4 second blast and audible for ½ nautical mile.

RULE 12. VISUAL DISTRESS SIGNALS

(1) APPLICABILITY

This section applies to all vessels used on the coastal waters of this State.

(2) CLASSIFICATION OF VISUAL DISTRESS SIGNALS

A visual distress signal is a device approved by the United States Coast Guard under Title 46 Code of Federal Regulations Parts 160 and 161. The Federal Requirements for visual distress signals are located in 33 CFR Part 175.

(3) VISUAL DISTRESS SIGNAL REQUIREMENTS

- (a) No person shall use a vessel 16 feet (4.9 meters) or more in length unless visual distress signals selected from Table 12-1, in the number required, are on board. Devices suitable for day use and for night use, or combination devices designed for both day and night use must be carried.
- (b) No person may use a vessel less than 16 feet (4.9 meters) in length, between sunset and sunrise, unless visual distress signals suitable for night use, selected from Table 12-1 in the number required, are on board.
- (c) When a visual distress signal carried to meet these regulations requires a launcher, a launcher approved by the U.S. Coast Guard under Title 46 Code of Federal Regulations 160.28 is required.

(4) EXEMPTIONS

- (a) The following persons need not comply with section (3) of this Rule; however, each must carry on board visual distress signals suitable for night use, selected from Table 12-1, of these regulations in the number required, between sunset and sunrise:
 - (1) Racing shells, rowing skulls, racing kayaks and any vessel engaged in a sanctioned regatta, race or a practice held within 48 hours of the sanctioned event.
 - (2) A sailboat of completely open construction not equipped with propulsion machinery, under 26 feet (7.9 meters) in length.

(5) STOWAGE

No person may use a vessel unless the required visual distress signals are readily accessible.

(6) SERVICEABILITY

No person may use a vessel unless each required signal is in serviceable condition and the service life, indicated by a date marked on the signal, has not expired. Expired signals may be carried as extra equipment, but can not be counted toward the visual distress requirement.

(7) MARKING

No person may use a vessel unless each signal required is legibly marked with the U.S. Coast Guard approval number or certification statement as specified in Title 46 Code of Federal Regulations Parts 160 and 161.

(8) PROHIBITED USE

No person in a vessel shall display a visual distress signal on waters to which these regulations apply under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

TABLE 12-1 VISUAL DISTRESS SIGNALS REQUIRED

Approval Number	Device Description	Requirements	Required
46 CFR 160.021	HAND-HELD RED FLARE DISTRESS SIGNAL	DAY/NIGHT	3
46 CFR 160.022	FLOATING ORANGE SMOKE DISTRESS SIGNAL	DAY ONLY	3
46 CFR 160.024	PARACHUTE RED FLARE DISTRESS SIGNAL*	DAY/NIGHT	3
46 CFR 160.036	HAND-HELD ROCKET-PROPELLED PARACHUTE RED FLARE DISTRESS SIGNAL	DAY/NIGHT	3
46 CFR 160.037	HAND-HELD ORANGE SMOKE DISTRESS SIGNAL	DAY ONLY	3
46 CFR 160.057	FLOATING ORANGE SMOKE DISTRESS SIGNAL	DAY ONLY	3
46 CFR 160.066	DISTRESS SIGNAL FOR BOATS, RED AERIAL PYROTECHNIC FLARE**	DAY/NIGHT	3

* These signals require use in combination with a suitable launching device approved by the U.S. Coast Guard under 46 CFR 160.028.

** These devices may be either meteor or parachute assisted types. Some of these signals may require use in combination with a suitable launching device approved by the U.S. Coast Guard under 46 CFR 160.280.

RULE 13. UNIFORM STATE WATERWAY MARKER SYSTEM

(1) STATE AGENCY MAY MAKE REGULATIONS

The Department of Environmental Management may make rules for the uniform marking of the water areas in this state through the placement of aids to navigation and regulatory markers prescribed by the U. S. Coast Guard. No city, county, or person shall mark or obstruct the waters of this state in any manner so as to endanger the operation of watercraft or conflict with the marking system prescribed by the Department of Environmental Management.

(2) DISOBEDIENCE TO AIDS TO NAVIGATION OR REGULATORY MARKERS

It shall be unlawful for a person to operate a vessel on the waters of this state in a manner other than that prescribed or permitted by the aid to navigation and/or the regulatory marker as referenced in section (1) of this Rule.

(3) INTERFERENCE WITH AIDS TO NAVIGATION OR REGULATORY MARKERS

No person shall moor or fasten a vessel to or willfully damage, tamper, remove, obstruct, or interfere with any aid to navigation or regulatory marker prescribed or permitted pursuant to section (1) of this Rule.

RULE 14. ACCIDENTS AND CASUALTIES

(1) REPORTING OF ACCIDENTS AND CASUALTIES

- (a) The owner or operator of any vessel on the waters of this state, involved, or whose vessel is involved, in an accident and/or casualty where the value of the damage is in excess of two thousand dollars (\$2,000.00), or other casualty which results in death or injury to a person, shall report the same, and immediately give notice of the incident to the Department of Environmental Management or to a nearby office of local or state police.
- (b) Examples of casualties that are required to be reported under this Rule are:
- (1) A collision between two vessels where the total property damage to either or both vessels is estimated to be more than two thousand dollars (\$2,000.00).
 - (2) A grounding of a vessel that results in property damage in excess of \$2,000.00.
 - (3) A collision with a fixed object (dock, pier, buoy, etc.) that results in property damage in excess of \$2,000.00.
 - (4) Any injury to a person that requires treatment beyond first aid. (e.g. struck by a vessel, falls overboard, falls caused by wake, as a result of a collision, collision being towed by a vessel, riding on a vessel, etc..)
 - (5) A person becoming seriously ill or dying from medical causes not related to boating is not a reportable accident under this Rule.

(2) OWNER REQUIRED TO MAKE WRITTEN REPORT

The owner of a vessel involved in an accident or casualty in excess of two thousand dollars (\$2,000.00) shall, within five (5) days after the incident, forward a written report of the incident to the Department of Environmental Management/Division of Law Enforcement, 235 Promenade Street, Room 250, Providence, RI 02908, on forms provided by the Department.

RULE 15. RULES OF NAVIGATION

These rules and regulations adopt the following:

- (1) The International navigation Rules Act of 1977, P.L. 95-75, 91 Stat. 311, 33 U.S.C. §§ 1601-1608, 33 CFR Part 80 through 82, and the amendments to the 72 COLREGS effective June 1, 1983 48 FR 28634, for the operation of vessels on the waters of this state south of the COLREG's Demarcation Line.

- (2) The Inland navigation Rules Act of 1980, P.L. 96-591, 94 Stat. 3415, 33 U.S.C. §§ 2001-2038 33 CFR 84 through 90 for the operation of vessels on the waters of this state north of the COLREG's Demarcation Line.

RULE 16. WARNING FLAGS FOR SCUBA DIVERS, SKIN DIVING OR SNORKELING

(1) APPLICABILITY

This section applies to any person scuba diving, skin diving, or snorkeling in an area where motor boats or motor vessels are operated on the waters subject to the jurisdiction of this State.

(2) REQUIREMENTS AND RESTRICTIONS FOR THE USE OF WARNING FLAGS

- (a) A warning flag shall be placed on a buoy at a place of the diver's submergence. The flag shall be red in color and at least twelve by twelve inches (12" x 12") with a white stripe running from the diagonal corners and the stripe one quarter (1/4) as wide as the flag.
- (b) If not placed on a buoy, a warning flag shall be conspicuously flown upon a vessel which the diver is then using in the area. This flag shall meet the description of subsection (a), however, it shall be at least eighteen by eighteen inches (18"x 18").
- (c) A warning flag shall be in place only while diving operations are in progress.
- (d) A warning flag shall be illuminated by a light shining on the flag during the hours between sunset and sunrise.
- (e) No person shall use a warning flag in an area that obstructs navigation.
- (f) Motorboats shall not be operated within fifty feet (50') of any flag as above described. No person shall be in violation of this section if he or she travels within fifty feet (50') of a scuba diver, skin diver or snorkeler who is in fact obstructing navigation.

RULE 17. TOWING SKIERS

(1) APPLICABILITY

This section applies to all vessels on waters subject to the jurisdiction of the state towing a person(s) on water skis, surfboard, tube or similar device.

(2) REQUIREMENTS AND RESTRICTIONS FOR TOWING SKIERS

- (a) No person shall operate a vessel on any waters of this state for towing a person(s) on water skis, surfboard, tube, or similar device unless there is a person in the vessel at least twelve (12) years of age in addition to the operator who is in a position to observe the progress of the person(s) being towed.

- (b) Any person on water skis, surf board, tube or similar device being towed behind a vessel, must wear a personal floatation device approved by the U.S Coast Guard and approved for this towing activity.
- (c) No person shall operate a vessel on any waters of this state towing a person(s) on water skis, surfboard, tube or similar device, nor shall any person engage in water skiing, surfboarding, tubing or a similar activity at any time between the hours from one hour after sunset to one hour before sunrise.
- (d) No person shall operate or manipulate any vessel, tow rope, or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person.

(3) EXEMPTIONS

The provisions of section (a), (b), and (c) do not apply to a performer engaged in a professional exhibition or a person(s) engaged in an activity authorized under RI General Law Section 46-22-13.

RULE 18. VESSEL REGISTRATION NUMBERING AND DISPLAY OF NUMBERS

(1) APPLICABILITY

This section applies to all vessels required to be registered and numbered under R.I General Law Chapter 46-22 used on the waters subject to the jurisdiction of this State.

(2) PROHIBITION

No Person may operate a vessel unless it meets the requirements of section (3) and section (4) unless exempted from numbering and registration under R.I General Law Chapter 46-22.

(3) POSITION OF VESSEL NUMBERS AND REGISTRATION DECAL

The registration numbers assigned to a vessel must be placed on said vessel. These numbers must be at least three inches high; must be of a contrasting color to the background upon which they are placed; must be painted or attached to each side of the forward half of the vessel and so positioned to read from left to right and be distinctly visible and legible except as allowed by section (4). In addition to the registration number, each registered vessel must display the assigned registration decal to be affixed within three inches to the right of the registration number. No other numbers and only current decals shall be displayed. The numbers and decal must be displayed so that there is a space between the prefix (State abbreviation), four numerals, the suffix (letter or letters) and the decal. The width of the space between each must be at least the width of a numeral or letter other than 1 or I.

EXAMPLE: RI 1234 X

Decal

(4) EXEMPTIONS

- (a) When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the registration 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.
- (b) When a vessel is so configured that a registration number on the hull or superstructure would not be easily visible, the registration number must be painted on 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.
- (c) When a vessel has been documented by the U.S. Coast Guard, the vessel must follow federal laws and regulations with regards to the display of documentation numbers, and the assigned registration decals must be placed on each side of the forward half of the vessel where the decals are distinctly visible. It is acceptable for a documented vessel to place the registration decal in an area other than the hull of the vessel. For example, a window or the windshield may be used.

(5) CERTIFICATE OF NUMBER (REGISTRATION) REQUIRED ON BOARD

A valid certificate of number (registration) or temporary registration must be on board the vessel whenever the owner or any person authorized by the owner is aboard, except that a rental boat may carry a rental agreement in lieu of the certificate. Each person using a vessel to which this Rule applies shall present the certificate of numbers (registration) to any Federal, State or local enforcement officer for inspection at his or her request.

RULE 19. PENALTIES

Any person who violates any provision of these regulations promulgated under R.I. General Laws Chapter 46-22 shall be subject to the imposition of a penalty for each and every violation as provided in R.I. General Law Section 46-22-19.

RULE 20. SEVERABILITY

If any provision of these Rules and Regulations, of the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

RULE 21. SUPERSEDED RULES AND REGULATIONS

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of THE REGULATION OF BOATS Chapter 46-22 of R.I. General Law shall be superseded. However, any enforcement action taken by or application submitted to, the Department prior to the effective date of these rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.

RULE 22. EFFECTIVE DATE

The foregoing Rules Regulations “REQUIREMENTS AND STANDARDS FOR BOATS AND ASSOCIATED EQUIPMENT,” after due notice, are hereby adopted and filed with the secretary of State this day of ,2014 to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 46-22, 42-35, 42-17.1, 42-17.6 of the General Law of Rhode Island of 1956, as amended.

Janet L. Coit, Director

Notice Given on:
Public Hearing held:

Filing Date:

Effective Date: