

**250-RICR-80-00-1**

## **TITLE 250 – DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

### **CHAPTER 80 – LAW ENFORCEMENT**

#### **SUBCHAPTER 00 - N/A**

##### **PART 1 – Requirements and Standards for Vessels and Associated Equipment**

### **1.1 Purpose**

These rules and regulations are promulgated in accordance with R.I. Gen. Laws § 46-22-5(k) to adopt regulations consistent with the Federal Boating Safety Act of 1971.

### **1.2 Authority**

These rules and regulations are promulgated pursuant to R.I. Gen. Laws Chapter 42-17.1, Environmental Management, R.I. Gen. Laws § 46-22-5(k), and in accordance with R.I. Gen. Laws Chapter 42-35, Administrative Procedures.

### **1.3 Application**

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

### **1.4 Incorporated Materials**

- A. These regulations hereby adopt and incorporate 33 C.F.R. §§ 80-90 (2023) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate 33 C.F.R. § 175 (2023) Subpart E, § 175 by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- C. These regulations hereby adopt and incorporate 46 C.F.R. § 24.10-1 (2023) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- D. These regulations hereby adopt and incorporate 46 C.F.R. §§ 160,161, 162.028, 162.039 (2023) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

- E. These regulations hereby adopt and incorporate 46 C.F.R. § 182.415 (2023) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

## **1.5 Definitions**

- A. For the purpose of these regulations, the following terms shall have the following meanings:

1. "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.
2. "All-round light" means a light showing an unbroken light over an arc of 360 degrees.
3. "Canoe" means a narrow vessel or shallow draft, typically pointed at both ends and propelled by human power and includes kayaks.
4. "Engine cut off switch" or "Engine cut off switch link" means a safety mechanism used to shut off propulsion machinery when the operator is displaced from the helm. The device must be attached to the operator, the operators clothing, or the operator's personal floatation device and is typically a coiled lanyard but may also be an electronic fob.
5. "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.
6. "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.
7. "Motorboat" means as defined by Definitions; 46 C.F.R. § 24.10-1, incorporated above at § 1.4(C) of this Part, 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 R.I. Gen. Laws § 44-5-25.1.
8. "Motor vessel" means as defined by 46 C.F.R. § 24.10-1, incorporated above at § 1.4(C) of this Part means any vessel more than 65 feet (19.8 meters) in length that is propelled by machinery.
9. "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.

10. "Personal flotation device" or "PFD" means a lifesaving flotation device approved by the United States Coast Guard, pursuant to 46 C.F.R. § 160 incorporated above at § 1.4(D) of this Part.
11. "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.
12. "Racing shell" or "Rowing scull" or "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 occupant's row, scull, or paddle with the exception of a coxswain, if one is provided, and is not designed to carry equipment.
13. "Readily accessible" means when used to describe the accessibility of personal flotation 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.
14. "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.
15. "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.
16. "Sailboat" means any vessel equipped with masts and sails, dependent upon the wind to propel it in the normal course of operation.
17. "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.
18. "Serviceable condition" means when used to describe the condition of personal flotation 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.

19. "Sidelights" means 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.
20. "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 light aft on each side of the vessel.
21. "Throwable PFD" means a personal flotation 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.
22. "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.
23. "Vessel" means every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water.
24. "Wearable PFD" means a personal flotation 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.
25. "Whistle" means any sound signaling appliance which complies with the specifications of 33 C.F.R. § 86, Annex III-Technical Details of Sound Signaling Appliances, incorporated above at § 1.4(A) of this Part.

## **1.6 Enforcement**

Pursuant to R.I. Gen. Laws § 46-22-17, the Department of Environmental Management Environmental Police Officers, harbormasters, 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.

## **1.7 Personal Flotation Devices**

### **1.7.1 Applicability**

A. These regulations shall apply to all vessels used on waters subject to the jurisdiction of the state:

#### **1. Personal Flotation 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.
- (3) All operators & passengers of canoes, kayaks, sailboards, kiteboards, paddleboards, and any other paddlecraft shall wear at US Coast Guard approved PFD at all times while underway regardless of age.

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.

#### **2. 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.

3. Conditions: Approval: Marking
  - a. No person may use a vessel unless each PFD required is: In serviceable condition, i.e. all straps, hardware, cover, flotation material, in undamaged condition.
  - b. Legibly marked with the approval number from the U.S. Coast Guard as specified in 46 C.F.R. §160, incorporated above at § 1.4(D) of this Part for items subject to approval.
  - c. Of an appropriate size for the person for whom it is intended.
4. Flotation Devices: Children

Pursuant to R.I. Gen. Laws § 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.

**B. Exemptions**

1. Racing shells, Rowing sculls, racing kayaks, and any other vessel engaged in a sanctioned regatta, race or a practice held within 48 hours of the sanctioned event are exempt from § 1.7 of this Part.
2. 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.

## **1.8 Fire Extinguishing Equipment**

**A. Applicability**

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

**B. Prohibition**

No person may use a motorboat or motor vessel unless it meets the requirements of § 1.8(D) of this Part.

**C. Classification of Fire Extinguishing Equipment**

1. 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.

2. 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.
3. 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.

D. Fire Extinguishing Equipment Required:

1. All motorboats shall carry at least the minimum number of hand-held portable fire extinguishers set forth in § 1.26 of this Part, 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 gasses or vapors. See § 1.8(E) of this Part.
2. All motor vessels shall carry at least the minimum number of hand-portable fire extinguishers set forth in § 1.26 of this Part and the following fire extinguishing equipment fitted in each machine space:
  - a. 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.
  - b. 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.

E. Exemptions - A person using a motorboat equipped with an outboard motor, less than 26 feet (7.9 meters) in length need not comply with § 1.26 of this Part if the construction of such motorboat will not permit the entrapment of explosive or flammable gases or vapors. The motorboat must comply with § 1.26 of this Part if one or more of the following conditions exist:

1. Closed compartment under thwarts and seats wherein portable fuel tanks may be stored.
2. Double bottoms are not sealed to the hull or that are not completely filled with flotation material.

3. Closed living spaces.
  4. Closed stowage compartments in which combustible or flammable materials are stowed.
  5. 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.
- F. Stowage - Each item of fire-extinguishing equipment required by § 1.8(D) of this Part must be:
1. Stowed away from the potential hazard area.
  2. Readily accessible.
- G. Approval: Condition: Marking - Each item of hand-portable or semi-portable fire extinguishing equipment and each fixed fire extinguishing system required by § 1.8(D) of this Part must be:
1. Approved by the U.S. Coast Guard, under 46 C.F.R. § 162.028 or § 162.039, incorporated above at § 1.4(D) of this Part as applicable.
  2. Shall be in compliance with 33 C.F.R. § 175 Subpart E, incorporated above at § 1.4(B) of this Part.
- H. Fire Extinguishing Equipment Prohibited - The carriage of the following types of fire extinguishers is prohibited:
1. Dry chemical stored pressure type, not fitted with pressure gauges or indicating devices.
  2. Vaporizing liquid type containing tetrachloride, chloroboromethane, or other toxic vaporizing liquids.

## **1.9 Backfire Flame Control**

A. 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.

B. 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:



1. Backfire flame arrestor.
  2. An engine air and fuel induction system.
  3. 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.
  4. On boats having an integrated engine-boat design, an engine air induction system.
- C. Approval: Marking: Condition - With the exception of §§ 1.9(D) and (E) of this Part, no person may use a motorboat or motor vessel to which this section applies unless each backfire flame control installation required by § 1.9(B) of this Part is:
1. Approved by the U.S. Coast Guard under 46 C.F.R. § 182.415, incorporated above at § 1.4(E) of this Part.
  2. Marked according to the requirements in 46 C.F.R. § 182.415 incorporated above at § 1.4(E) of this Part.
  3. Maintained in serviceable condition.
- D. Installation not Requiring Approval
- Any attachment designed, constructed, and installed under the provisions of § 1.8(B) of this Part 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.
- E. 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 § 1.8(D) of this Part 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.

## **1.10 Ventilation**

### **A. Applicability**

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

B. Prohibition

No person may use a motorboat or motor vessel unless it meets the requirements of § 1.10(C) of this Part.

C. Tanks and Engine Spaces

1. 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 uses 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.
2. As used 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.

## **1.11 Navigation Lights and Day Shapes**

A. 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.

B. Visibility - The lights prescribed in these rules shall be visible at the following minimum ranges:

1. Vessels of 164.04 feet (50 meters) or more in length:
  - a. A masthead light: 6 miles,
  - b. A sidelight: 3 miles,
  - c. A sternlight: 3 miles,

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

C. Power-Driven Vessels While Underway

- 1. 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.
- 2. A power driven vessel of less than 39.4 feet (12 meters) in length may, in lieu of the lights prescribed in § 1.11(C)(1) of this Part exhibit an all-round white light, and sidelights.

D. Sailing Vessels Underway and Manually Propelled Vessels

- 1. A sailing vessel underway shall exhibit sidelights and a sternlight.
- 2. A sailing vessel of less than 65.6 feet (20 meters) in length may, in lieu of the lights prescribed in § 1.10(D)(1) of this Part, may combine the lights in § 1.11(D)(1) of this Part in one lantern carried at or near the top of the mast where it can best be seen.
- 3. A sailing vessel underway may, in addition to the lights prescribed in § 1.11(D)(1) of this Part, 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 § 1.11(D)(2) of this Part.

4. A sailing vessel of less than 22.97 feet (7 meters) in length shall, if practicable, exhibit the lights prescribed in §§ 1.11(D)(1) or (2) of this Part, but if said vessel does not, said vessel 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.
5. A manually propelled vessel may exhibit the lights prescribed in this Part for sailing vessels, but if said vessel does not, said vessel 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.
6. 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.
7. Sailing vessels using machinery, or sail and machinery, must display lights required for power driven vessels in § 1.11(C) of this Part.

E. Anchored Vessels and Vessels Aground

1. 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.
2. 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 § 1.11(E)(1) of this Part.
3. 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.
4. A vessel aground shall exhibit the lights prescribed in §§ 1.11(E)(1) or (2) of this Part 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.
5. 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 §§ 1.11(E)(1) and (2) of this Part.

6. 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 § 1.11(E)(4) of this Part.

## **1.12 Sound Producing Devices**

### **A. Applicability**

1. This section applies to all vessels used on waters subject to the jurisdiction of this state, except:
2. 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.

### **B. Prohibition**

No person may use a vessel to which this section applies unless it meets the requirements of 33 C.F.R. § 86, Annex III-Technical Details of Sound Signal Appliances, incorporated above at § 1.4(A) of this Part.

### **C. Requirements**

1. 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.
2. 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.

## **1.13 Visual Distress Signals**

### **A. Applicability**

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

### **B. Classification of Visual Distress Signals**

A visual distress signal is a device approved by the United States Coast Guard under 46 C.F.R. §§ 160 and 161, incorporated above at § 1.4(D) of this Part. The Federal Requirements for visual distress signals are located in 33 C.F.R. § 175, incorporated above at § 1.4(B) of this Part.

C. Visual Distress Signal Requirements

1. No person shall use a vessel 16 feet (4.9 meters) or more in length unless visual distress signals selected from § 1.13 of this Part, 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.
2. 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 § 1.13 of this Part in the number required, are on board.
3. When a visual distress signal carried to meet these regulations requires a launcher, a launcher approved by the U.S. Coast Guard under 46 C.F.R. § 160.028, incorporated above at § 1.4(D) of this Part is required.

D. Exemptions

1. The following persons need not comply with § 1.13(C) of this Part; however, each must carry on board visual distress signals suitable for night use, selected from § 1.13 of this Part in the number required, between sunset and sunrise:
2. 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.
3. A sailboat of completely open construction not equipped with propulsion machinery, under 26 feet (7.9 meters) in length.

E. Stowage

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

F. 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 cannot be counted toward the visual distress requirement.

G. 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 46 C.F.R. §§ 160 and 161, incorporated above at § 1.4(D) of this Part.

#### H. 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.

#### 1.13.1 Table - Visual Distress Signals Required

Approval Number	Device Description	Requirements	Required
46 C.F.R. § 160.021	Hand-Held Red Flare Distress Signal	Day/Night	3
46 C.F.R. § 160.022	Floating Orange Smoke Distress Signal	Day Only	3
46 C.F.R. § 160.024	Parachute Red Flare Distress Signal (these signals require use in combination with a suitable launching device approved by the U.S. Coast Guard under 46 C.F.R. § 160.028).	Day/Night	3
46 C.F.R. § 160.036	Hand-Held Rocket-Propelled Parachute Red Flare Distress Signal	Day/Night	3
46 C.F.R. § 160.037	Hand-Held Orange Smoke Distress Signal	Day Only	3
46 C.F.R. § 160.057	Floating Orange Smoke Distress Signal	Day Only	3
46 C.F.R. § 160.066	Distress Signal For Boats, Red Aerial Pyrotechnic Flare (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 C.F.R. § 160.028).	Day/Night	3

## **1.14 Uniform State Waterway Marker System**

### **A. 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.

### **B. 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 § 1.14(A) of this Part.

### **C. 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 § 1.14(A) of this Part.

## **1.15 Accidents and Casualties**

### **A. Reporting of Accidents and Casualties**

1. 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.
2. Examples of casualties that are required to be reported under this Rule are:
  - a. 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).
  - b. A grounding of a vessel that results in property damage in excess of \$2,000.00.
  - c. A collision with a fixed object (dock, pier, buoy, etc.) that results in property damage in excess of \$2,000.00.



- d. 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.).
- e. A person becoming seriously ill or dying from medical causes not related to boating is not a reportable accident under this Rule.

**B. 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.

## **1.16 Rules of Navigation**

**A. 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 C.F.R. §§ 80-82 incorporated above at § 1.4(A) of this Part, 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 C.F.R. §§ 83-90, incorporated above at § 1.4(A) of this Part for the operation of vessels on the waters of this state north of the COLREG's Demarcation Line.

## **1.17 Warning Flags for Scuba Divers, Skin Diving, or Snorkeling**

**A. 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.

**B. Requirements and Restrictions for the Use of Warning Flags**

1. 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.
2. 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 § 1.17(B)(1) of this Part, however, it shall be at least eighteen by eighteen inches (18" x 18").

3. A warning flag shall be in place only while diving operations are in progress.
4. A warning flag shall be illuminated by a light shining on the flag during the hours between sunset and sunrise.
5. No person shall use a warning flag in an area that obstructs navigation.
6. 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.

## **1.18 Towing Skiers**

### **A. 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.

### **B. Requirements and Restrictions for Towing Skiers**

1. 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.
2. Any person on water skis, surf board, tube, or similar device being towed behind a vessel, must wear a personal flotation device approved by the U.S Coast Guard and approved for this towing activity.
3. 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.
4. 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.

### **C. Exemptions**

The provisions of §§ 1.18(B)(1) through (3) of this Part do not apply to a performer engaged in a professional exhibition or a person(s) engaged in an activity authorized under R.I. Gen. Laws § 46-22-13.

## **1.19 Vessel Registration Numbering and Display of Numbers**

### **A. Applicability**

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

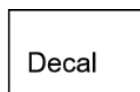
### **B. Prohibition**

No person may operate a vessel unless it meets the requirements of §§ 1.19(C) and (D) of this Part unless exempted from numbering and registration under R.I. Gen. Laws Chapter 46-22.

### **C. Position of Vessel Numbers and Registration Decal**

1. 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 § 1.19(D) of this Part. 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 l.

2. Example: RI 1234 X



### **D. Exemptions**

1. 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.
2. 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.

3. 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.

E. **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.

## **1.20 Engine Cut off Switch**

Operators of recreational vessels less than 26 feet in length that are equipped with an engine cut off switch shall be required to use said engine cut off switch in accordance with 46 U.S.C. § 4312.

## **1.21 Bow Riding**

- A. No operator of a vessel under power shall allow any person to ride or sit on the gunwales, tops of seat backs or on the decking over the bow of a boat while underway unless the bow of the vessel is equipped with seats designed to accommodate passengers or a handrail that encompasses the bow and all persons on the bow are inward of such handrail. The provisions of this subsection shall not apply to persons in or on the bow of a vessel engaged in anchoring, mooring, or docking.
- B. No operator of a vessel under power shall allow any person in or on the bow of such vessel to hang any portion of the body beyond the handrail or outside the vessel over the top of the gunwale while underway. The provisions of this subsection shall not apply to persons in or on the bow of a vessel engaged in anchoring, mooring, or docking.

## **1.22 Slow Down/Move Over**

A person may not operate a vessel faster than headway speed within 300 feet of an emergency vessel, including but not limited to law enforcement vessels, United States Coast Guard vessels, fire fighting vessels when such vessel's

emergency lights are activated or vessels engaged in activities recognized by the US Coast Guard displaying rotating or sequential flashing red and yellow lights.

### **1.23 Penalties**

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

### **1.24 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.

### **1.25 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 Boats R.I. Gen. Laws Chapter 46-22 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.

### **1.26 Table - Minimum Number of B-I Hand-Portable Fire Extinguishers Required**

<b>Length of Vessel</b>	<b>Without an Approved Fixed Fire Extinguishing System</b>	<b>With an Approved Fixed Fire Extinguishing System</b>
Less than 26ft. (7.9 meters) in length	1	0
26ft. (7.9 meters) to less than 40ft. (12.2 meters)	2	1
40ft. (12.2 meters) to 65ft. (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.		

**1.27 Table - Minimum Number of B-I Hand-Portable Fire Extinguishers Required**

<b>Gross Tonnage</b>	<b>Number of B-II Fire Extinguishers</b>
0-50 Tons	1
50-100 Tons	2
100-500 Tons	3
500-1000 Tons	6
Over 1000 Tons	8

**250-RICR-80-00-1**

**TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**CHAPTER 80 - LAW ENFORCEMENT**

**SUBCHAPTER 00 - N/A**

**PART 1 - REQUIREMENTS AND STANDARDS FOR VESSELS AND ASSOCIATED  
EQUIPMENT (250-RICR-80-00-1)**

Type of Filing: Amendment

**Agency Signature**

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Agency Head Signature

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Agency Signing Date

**Department of State**

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Regulation Effective Date

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Department of State Initials

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Department of State Date