

STATE OF RHODE ISLAND

State-Specific Education Requirements Course Supplement

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State of Rhode Island Boating Law Summary

State boating regulations and laws may differ from federal regulations. This state-specific supplement summarizes most of Rhode Island's laws at the time it was prepared. For additional information, contact the Department of Environmental Management (401-222-2284) or visit www.rilin.state.ri.us/Statutes/TITLE46/

Certain bodies of water in Rhode Island may have local restrictions as to type and size of watercraft or horsepower, restricted use areas, boat speed, and times for use. Check with the local authorities for these additional restrictions.

"Vessel" means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

"Motorboat" means any vessel propelled by machinery whether or not such machinery is the principal source of propulsion

CERTIFICATE OF BOATING SAFETY EDUCATION REQUIREMENTS

Powered Vessels – Any person born on or after January 1, 1986 operating a vessel fitted with propulsion machinery of more than 10 horsepower must have successfully completed a state-approved boating education course. The certificate of completion must be carried and presented upon request of any authorized law enforcement officer. New residents of the state will be given 60 days to comply with this requirement. Exemptions to this requirement:

- A person who operates a vessel under training, directly supervised by a person on board who is at least 18 years old and has successfully completed an approved course (if applicable).
- A person who holds a valid U.S. Coast Guard commercial vessel operator's license.
- Non-residents who are temporarily using Rhode Island waters and meet the requirements of their state. This does not apply to non-residents operating a personal watercraft where in this case they must have passed an approved boating safety course.
- A person who rents a vessel fitted with propulsion machinery greater than 10 horsepower that has watched an instructional video and passed a written exam given by the boat livery.

Personal Watercraft (PWC) – Any person, regardless of age, operating a personal watercraft (PWC) must have successfully completed a state-approved boating safety education course and must carry the certificate.

REGISTRATION/TITLING

Vessel Registration & Numbering -- All vessels on Rhode Island waters must have a RI Certificate of Number (registration), which is in full force and effect. Exceptions to this requirement include:

- A vessel registered in another state using Rhode Island waters for 90 days or less. If it is in Rhode Island waters in excess of 90 days, the owner shall record the number with the Department of Environmental Management and pay the required fee.
- A vessel from another country that is temporarily using Rhode Island waters.
- A rowboat less than 12 feet long, or a canoe or kayak, or a ship's lifeboat
- A vessel used exclusively for racing.

The Number assigned to a vessel remains with the vessel and is non-transferable while the vessel remains registered in Rhode Island. The Certificate of Number must be carried on board and presented upon request of any law enforcement officer. A vessel's registration is valid for two years and expires on the last day of February.

Display of Registration Number and Validation Decal -- The Number issued to a boat appears on the certificate and must be clearly visible on each side of the bow, reading left to right. The validation decal indicates whether the Number's registration is current and must be displayed to the right of and in line with the Number on each side of the boat.

Documented Vessels – Federally documented vessels used primarily in Rhode Island must be registered with the State. The documentation number will be used as the registration Number, and a RI validation decal must be displayed on each side of the vessel.

Outboard Motor Registration – Outboard motors need to be registered within 10 days after ownership is acquired. If an outboard motor is sold, assigned, lost or destroyed, the owner must notify the licensing authorities of the town or city in which the outboard motor is registered.

Certificate of Title -- All watercraft greater than 14 feet in length must have a Certificate of Title. Exemptions to this requirement include:

- A non-motorized inflatable vessel, surfboard, racing shell, rowing scull, or tender used for transportation between a vessel and the shore.
- A documented vessel
- A ship's lifeboat

Change of Residence or Ownership; or Vessel Destroyed or Stolen – Whenever the owner of a vessel registered and numbered with the State of Rhode Island changes his or her address from that shown on the vessel's certificate of number or transfers interest in the vessel, he or she must notify the RI Department of Environmental Management within 15 days. If the vessel is abandoned, destroyed or stolen, the owner must notify the RI Department of Environmental Management within 15 days.

EQUIPMENT & LIGHTING REQUIREMENTS

The State requirements for PFDs, fire extinguishers, backfire flame control, ventilation, navigation lights, sound producing devices, and visual distress signals are the same as the federal equipment requirements. This includes the requirement that a child **under** the age of thirteen in a recreational vessel less than 65 feet in length on the waters of Rhode Island shall wear a personal flotation device approved by the US Coast Guard when underway, unless below deck or in a closed cabin. Additionally, a wearable personal flotation device is required for each person on board a canoe or kayak.

VESSEL ENGINE NOISE

Muffling Device -- The exhaust of an internal combustion engine on any motorboat must be effectively muffled. Outboard motors must be equipped with underwater exhausts of standard manufacture as furnished by marine supply dealers. The use of cutouts is prohibited, except for:

- Motorboats competing in a regatta or boat race approved by the Department of Environmental Management, and for such motorboats while on approved trial-runs;

- A 48-hour period immediately preceding the regatta or race and for the motorboats, while competing in official trials for speed records, during a 48-hour period immediately following the regatta or race.

SPEED REGULATIONS

Speed Limits – No person shall operate any motorboat or vessel in any harbor or inlet or any pond or other confined body of water in Rhode Island in excess of:

- 45 miles per hour during the hours from sunrise to sunset;
- 25 miles per hour during periods of darkness or restricted visibility.

State and local authorities may post lesser speed limits where deemed necessary. The Department of Environmental Management is authorized to establish maximum speeds for boats in public harbors at 5 miles per hour, no wake.

Violations of Speed Limits– If the first violation is not greater than 10 miles per hour over the speed limit, it will be a civil offense, requiring payment of an assessment fee and may require attendance at a boating safety course. Any violation in excess of 10 miles per hour over the speed limit is a misdemeanor and will require payment of a fine and attendance at a boating safety course.

PROHIBITED OPERATIONS

Operating in a Reckless Manner – No person shall operate any vessel, or manipulate any water skis, surfboard, or similar device in a reckless manner so as to endanger the life, limb, or property of another.

Penalties -- If a person is convicted for operating a vessel in reckless disregard of the safety of others, resulting in death of any person, he shall be imprisoned for not more than 10 years.

If a person is convicted for operating a vessel in reckless disregard of the safety of others, resulting in serious bodily injury of any person, he shall be imprisoned for not more than 5 years and shall be required to take a boating safety course. "Serious bodily injury" means physical injury that creates a substantial risk of death or causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Boating While Intoxicated (BWI) – No person shall operate any vessel, or manipulate any water skis, surfboard, or similar device while intoxicated or under the influence of any narcotic drug, barbiturate, or marijuana. "Intoxicated" means under the influence of alcohol, a controlled substance, any drug other than alcohol or a controlled substance that impairs thought and action and causes loss of normal control as to endanger any person. A person with a blood alcohol content of 0.08% or more is presumed to be under the influence of alcohol.

By operating on Rhode Island waters, a person is deemed to have given consent to submit to chemical tests for intoxication. Refusal to submit to testing carries an automatic fine of \$200. Other penalties include an additional fine of \$300 or more, loss of operating privileges for up to three years, imprisonment for up to one year, and community service or attendance at an alcohol/drug treatment class.

BWI Penalties – Penalties depend on the number of convictions within a 5-year period, blood alcohol content, and whether death or serious bodily injury resulted. Penalties include

fining ranging from \$250 to \$5,000, performing public community restitution, imprisonment up to 5 years, and up to a 3 year suspension to operate a vessel.

Operating in Restricted Areas – No person shall operate a vessel within a water area, which has been clearly marked by buoys or some other distinguishing device as a bathing, swimming, or otherwise restricted area.

Exceeding Speed Limits – refer to section titled, "Speed Regulations."

Entering Exclusionary or Security Zones – It is illegal to enter any posted exclusionary zones, or security zones. Observe requirements of the U.S. Naval Vessel Protection Zone, and avoid commercial port operation areas, especially those that involve military, cruise-line, or petroleum facilities. Observe and avoid other restricted areas near dams, power plants, etc.

Interfering with Other Vessels – No person shall operate any vessel in a manner which shall unreasonably or unnecessarily interfere with any vessel, or with the free and proper navigation of the waterways. This includes anchoring under bridges or in heavily traveled channels if unreasonable under the prevailing circumstances.

Docking without Consent – No motorboat, vessel, or seaplane shall be docked or made fast to any pier, wharf, or other shore structure without the consent of the owner, except in an emergency.

DIVING & UNDERWATER OPERATIONS

Motorboats must not operate within 50 feet of a diver's flag (red with a white diagonal strip) on a buoy or boat. If diving between sunset and sunrise, the diver's flag must be illuminated.

WATER SKIING REGULATIONS

Life Jacket (PFD) Requirement – Any person or persons on water skis, a surfboard, a tube or similar device that is being towed behind a vessel on any waters of Rhode Island shall be required to wear a life jacket approved by the U.S. Coast Guard.

Towing a person(s) on water skis, surfboards, or similar devices is not allowed between the hours from one hour after sunset to one hour before sunrise.

When towing a person(s) on water skis, surfboards, or similar devices, there must be a person at least 12 years of age in addition to the operator to observe the person(s) being towed. The operator must not operate the vessel to cause the person(s) or device(s) being towed to collide with any object or person.

PERSONAL WATERCRAFT (PWC) REGULATIONS

Numbering Requirements -- All PWCs must have a valid Certificate of Number.

Equipment Requirements -- Each person on a PWC must wear a U.S. Coast Guard approved Type I, II, III, or V PFD (life jacket). The operator must attach a lanyard-type engine cutoff switch provided by the manufacturer, which shuts off the PWC should the operator fall off.

Operating a PWC -- A PWC cannot be operated between the hours from one-half hour after sunset to one-half hour before sunrise.

A PWC cannot be operated within 200 feet of swimmers, divers, the shoreline, or moored vessels, except at the slowest speed to maintain steerage. When launched from or returning to shore, a PWC must proceed directly to the area where operation is allowed in a direction as perpendicular as possible to the shore and at the slowest speed to maintain steerage.

A PWC must be operated in a reasonable and prudent manner. Maneuvers that endanger life, limb, or property are prohibited. These include:

- weaving through congested vessel traffic;
- circling a larger vessel unreasonably;
- jumping the wake of another vessel unnecessarily close to the other vessel.

There may be additional local regulations that operators are expected to observe.

ACCIDENTS, VANDALISM, AND THEFT: RESPONSIBILITY & REPORTING

Duty to Stop and Render Assistance -- Any operator involved in a collision, accident, or other casualty must stop and render assistance to other persons affected by the incident provided he can do so without serious danger to his own vessel. Name, address and vessel identification must be given in writing to injured persons and to the owner of any property damaged in the incident.

Reporting – The operator or owner of a vessel involved in an accident, a casualty resulting in death, disappearance of a person, or injury, vandalism, property damage or theft in excess of \$2,000 must immediately report the incident to the Department of Environmental Management (DEM) or a nearby office of local or state police. The owner of a vessel involved in an accident, casualty, vandalism or theft in excess of \$2,000 must submit a written report on forms provided by the Department of Environmental Management/Environmental Police within 5 days of the incident.

LAW ENFORCEMENT

The boating laws of Rhode Island are enforced by officers of the Department of Environmental Management's Environmental Police, harbormasters, and police officers. They have the authority to stop and board any vessel subject to Rhode Island boating regulations, and to command boaters to move or stop. Refusal to stop is a misdemeanor punishable by a fine of up to \$500 and/or 30 days in jail.

POLLUTION

Discharge of Oil and Other Hazardous Substances – It is illegal to discharge oil or hazardous substances into the waters. If your boat discharges oil or hazardous substances in Rhode Island waters, you must contact the Department of Environmental Management in a timely fashion.

Discharge of Trash – Dumping of garbage and plastics into the waters is prohibited.

Sewage – All boats are subject to the State's No-Discharge Law. It is prohibited to discharge treated and untreated sewage into the waters of Rhode Island, which include Narragansett Bay and territorial seas within 3 miles of shore.

Marine Sanitation Device (MSD) -- Any vessel equipped with an installed toilet, must have a holding tank (Type III MSD) to hold the sewage until it can be pumped out at a pumpout facility or discharged outside the territorial seas boundary of three miles from shore. Any installed toilet that can discharge sewage overboard (Type I or II MSD, or a Type III MSD with a through-hull fitting) must be secured and/or configured to prevent discharge. Portable toilets or "porta-potties" are not considered installed toilets.

Effective June 1, 2006, all boats with permanently installed marine toilets are subject to the No-Discharge compliance program that includes the display of a decal issued by an authorized Certification Agent after inspection to verify that the boat is in compliance. Boats that have a holding tank (Type III) with no-through hull fitting for overboard discharge are issued a green decal. Boats that have a Type I, II, or III MSD with a through-hull fitting that would allow overboard discharge are issued a yellow decal. Decals are valid for a period of four years. Three categories of boats are exempt from the inspection program: 1) boats with self-contained "porta-potties," or no toilet at all; 2) boats already subject to mandatory U.S. Coast Guard inspection as evidenced by a U.S. Coast Guard-issued certificate of inspection; 3) transient boats that are operated or moored in RI waters for less than 30 days. The penalty and enforcement provisions of the inspection program will take effect on June 1, 2007 at which time failure to display a decal may be subject to enforcement action, including a fine up to \$100. A list of Certification Agents is available at www.dem.ri.gov.

Enforcement – The water pollution laws of Rhode Island are enforced by officers of the Department of Environmental Management's Environmental Police, harbormasters, and police officers. They have the authority to stop and board any vessel subject to Rhode Island water pollution regulations.