

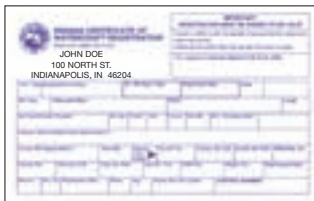
# Before Going Out



All operators are required to obey laws that regulate your vessel's registration, titling, and operation.

## Registering Your Boat or PWC IC 9-31-3

- ◆ An Indiana certificate of registration is required to operate a vessel legally on public waters unless the vessel is non-motorized (*vessels using an electric trolling motor require registration*).
- ◆ Apply to any Bureau of Motor Vehicles (BMV) License Branch to obtain a certificate of registration.
- ◆ *You must keep the certificate on board and available for inspection by an enforcement officer whenever the vessel is operated.*
- ◆ If your vessel requires registration, it is illegal to operate it or allow others to operate it unless it is registered and properly numbered.
- ◆ If you lose or destroy your certificate of registration, you must apply to the BMV for a duplicate and pay a processing fee.
- ◆ Registration information must be kept current.
  - If you change your address, you must notify a BMV License Branch within 30 days of the change.
  - If you transfer ownership of your vessel or if it is destroyed, you should report it to your local BMV License Branch within 15 days.
- ◆ Larger recreational vessels owned by U.S. citizens may (at the option of the owner) be documented by the U.S. Coast Guard (call 1-800-799-8362). *USCG–documented vessels also must be registered but are exempt from displaying the “IN” registration number.*



- ◆ If a registered vessel is sold or otherwise transferred to another person, the “buyer”:
  - Must apply for the certificate of registration to be transferred to his or her name within 31 days from the date of purchase.
  - May operate vessel purchased from a licensed boat dealer for 31 days with a bill of sale and a temporary permit displayed on the forward portion of the vessel.
  - May operate vessel purchased from an individual for 31 days with the valid registration card of the previous owner.

## **Boat Excise Tax** IC 6-6-11

Indiana law requires owners of vessels that are operated, used, docked, or stored in Indiana to pay the boat excise tax.

- ◆ Vessels subject to excise tax include:
  - Motorboats registered in Indiana
  - Sailboats
- ◆ The amount of boat excise tax paid:
  - Is based on the value of the vessel when new and is reduced 10% each year up to a 50% reduction of the original amount.
  - Is a set fee for vessels that are stored in Indiana for 60 consecutive days or more in a boating year but are not used or docked in Indiana waters.
- ◆ When you receive your certificate of registration, you also receive two excise tax decals.
- ◆ Decals include the date of expiration. Only the current decals may be displayed.
- ◆ The boat excise tax decals are valid for one year. Owners of registered vessels will be sent a renewal notice to their residence automatically.
- ◆ If you lose or destroy your decals, you must apply to the BMV for duplicates and submit a processing fee.

## Types of Fees Related to Registering a Boat or PWC IC 6-6-11

- ◆ **Registration fee:** One-time fee charged at the time a vessel is purchased. The fee is based on the vessel's length.
- ◆ **Boat excise tax fee:** Fee collected annually. The fee is based on value of the vessel when new.
- ◆ **DNR fee:** Fee of \$5.00 assessed every time excise tax decals are purchased. (This fee is waived the year that the one-time registration fee is collected.) The DNR uses this fee to enforce boating laws and improve navigable waters.
- ◆ **Lake and River Enhancement (LARE) fee:** Fee assessed every time excise tax decals are purchased. The fee is based on the value of the vessel when new. Read more about LARE on page 79.

## Titling Your Boat or PWC IC 9-31-2

- ◆ A vessel that must be registered also must have a certificate of title unless the vessel was:
  - Acquired by the owner before January 1, 1986 *or* ...
  - Less than \$3,000 in value when new *or* ...
  - Home-built for personal use and not for resale.
- ◆ Although there are exemptions from titling, you still may want to title your vessel. A title verifies ownership in case the vessel is stolen.

## Residents of Other States ...

- ◆ Indiana registration and titling is not required for vessels that are registered in another state *and* ...
  - Are operated on Indiana waters for less than 60 consecutive days *or* ...
  - Their owners have paid the current year's Indiana boat excise tax.
- ◆ Indiana boat excise tax is required for a vessel that is registered in another state if that vessel is operated, used, or docked in Indiana for 22 or more consecutive days.



## Excise Tax Decal



## Display of Number and Decals 140 IAC 9-4-2

- ◆ The registration number and excise tax decals must be displayed as follows.
  - Number must be painted, applied as a decal, or otherwise affixed to both sides of the bow.
  - Number must read from left to right on both sides of the bow.
  - Number's color must contrast sharply with its background.
  - Number must be in at least three-inch-high **BLOCK** letters.
  - Letters must be separated from the numbers by a two-inch space: **IN 8811 BM**.
  - Number must be a single color and clearly legible from a distance of 100 feet.
  - Excise tax decals must be affixed on both sides of the bow, to the right of and within three inches of the number.
  - No other numbers may be displayed on either side of the bow.
- ◆ Certain sailboats may qualify for an alternate display location for these decals (312 IAC 5-12.5-1).
- ◆ If your vessel requires registration, it is illegal to operate it or allow others to operate your vessel unless it is registered and numbered as described above.



## Registration or Titling Questions?

- ◆ Visit any BMV License Branch or go to [www.in.gov/bmv/](http://www.in.gov/bmv/) online. You also can call the BMV at **317-232-2859**.
- ◆ Registration and title application forms are available at any BMV License Branch and online.

## Lake Permits

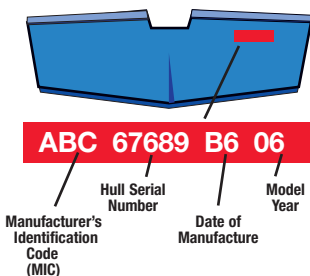
All privately owned, motorized and non-motorized boats moored or operating on state park, state forest or reservoir lakes in Indiana must have a lake permit displayed on the boat.

- ◆ Permits are available at any state park or reservoir offices, at the DNR customer service center, or online at [www.innsgifts.com](http://www.innsgifts.com).
- ◆ Fees for permits are as follows:
  - motorized watercraft: \$20.00
  - non-motorized watercraft: \$5.00



## Hull Identification Number

- ◆ The Hull Identification Number (HIN) is a unique, 12-digit number assigned by the manufacturer to vessels built after 1972.
- ◆ Hull Identification Numbers:
  - Distinguish one vessel from another.
  - Are engraved in the fiberglass or on a metal plate permanently attached to the transom.
- ◆ You should write down your HIN and put it in a place separate from your vessel in case warranty problems arise or your vessel is stolen.
- ◆ You may obtain a HIN for a home-built boat or replace a missing HIN by applying to your local BMV License Branch.



# Who May Operate a Vessel

## IC 14-15-11-1

### **“Bureau” defined**

Sec. 1. As used in this chapter, “bureau” refers to the bureau of motor vehicles established by IC 9-14-1-1.

*As added by P.L.57-1995, SEC.8.*

## IC 14-15-11-3

### **“Driver’s license” defined**

Sec. 3. As used in this chapter, “driver’s license” means:

1. an Indiana driver’s license; or
2. a license to operate a motor vehicle issued under the laws of a jurisdiction other than Indiana.

*As added by P.L.57-1995, SEC.8.*

## IC 14-15-11-4

### **“Indiana driver’s license” defined**

Sec. 4. As used in this chapter, “Indiana driver’s license” means:

1. an operator’s license;
2. a chauffeur’s license; or
3. a public passenger chauffeur’s license; that is issued to an individual by the bureau of motor vehicles under IC 9-24-3.

*As added by P.L.57-1995, SEC.8.*

## IC 14-15-11-5

### **“Individual” defined**

Sec. 5. As used in this chapter, “individual” means an individual human being.

*As added by P.L.57-1995, SEC.8.*

## IC 14-15-11-6

### **“Motorboat” defined**

Sec. 6. (a) As used in this chapter, “motorboat” means a watercraft that is:

1. equipped with an internal combustion, a steam, or an electrical motor or engine that is inboard or outboard; or
2. propelled by any mechanical means.

(b) The term includes a personal watercraft.

(c) The term includes a sailboat that is equipped with a motor or an engine described in subsection (a)(1) when in operation, whether or not the sails are hoisted.

(d) The term does not include a boat that is propelled by only one (1) motor or engine if the motor or engine is rated at not more than ten (10) horsepower.

*As added by P.L.57-1995, SEC.8.*

#### **IC 14-15-11-7/IC 14-8-2-202.5**

##### **“Personal watercraft” defined**

Sec. 202.5. “Personal watercraft”, for purposes of IC 14-15, means a watercraft:

1. whose primary source of motive power is an inboard motor powering a water jet pump; and
2. that is designed to be operated by a person who sits, stands, or kneels on the surface of the watercraft rather than sitting or standing inside the watercraft.

*As added by P.L.57-1995, SEC.7.*

#### **IC 14-15-11-8/IC 14-8-2-226**

##### **“Public waters” defined**

Sec. 226. “Public waters”, for purposes of IC 14-15, means every lake, river, stream, canal, ditch, and body of water that is:

1. subject to the jurisdiction of the state; or
2. owned or controlled by a public utility.

*As added by P.L.1-1995, SEC.1.*

#### **IC 14-15-11-9**

##### **License requirements**

Sec. 9. (a) Except as provided in subsections (b) and (c), an individual may not operate a motorboat on public waters unless the individual holds a valid driver's license.

(b) An individual who is at least fifteen (15) years of age and who does not hold a valid driver's license may operate a motorboat on public waters if the individual:

1. has been issued an identification card by the bureau under IC 9-24-16; and
2. has successfully completed a boating education course approved by the department for the purposes of this chapter.

(c) An individual who:

1. is at least twenty-one (21) years of age; and
2. does not hold:
  - A. a valid driver's license; or
  - B. a driver's license that is suspended or revoked; may operate a motorboat on public waters if the individual is issued an identification card by the bureau under IC 9-24-16 before January 1, 1996.

*As added by P.L. 57-1995, SEC. 8.*

### **IC 14-15-11-10**

#### **Knowing or intentional violations**

Sec. 10. (a) Except as provided in section 11 of this chapter, an individual who knowingly or intentionally operates a motorboat on public waters in violation of section 9 of this chapter commits a Class C infraction.

(b) In a proceeding to enforce this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid driver's license or identification card.

*As added by P.L. 57-1995, SEC. 8.*

### **IC 14-15-11-11**

#### **Operation of motorboat while license is suspended or revoked**

Sec. 11. (a) Except as provided in subsection (b), a person who operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked commits a Class A infraction. However, if:

1. a person knowingly or intentionally violates this subsection; and
2. less than ten (10) years have elapsed between the date a judgment was entered against the person for a prior unrelated violation of this subsection, IC 9-1-4-52 (repealed July 1, 1991), IC 9-24-18-5 (repealed July 1, 2000), or IC 9-24-19 and the date the violation described in subdivision (1) was committed; the person commits a Class A misdemeanor.

(b) If:

1. a person operates a motorboat upon public waters while the person's Indiana driver's license is suspended or revoked; and



2. the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-41-1-19); the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

(c) In addition to any other penalty imposed for a conviction under this section, the court shall recommend that the person's privileges to operate a motorboat upon public waters be suspended for a fixed period of not less than ninety (90) days and not more than two (2) years.

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension for a fixed period of not less than ninety (90) days and not more than two (2) years. The bureau shall fix this period in accordance with the recommendation of the court that entered the conviction.

(e) In a prosecution under this section, the burden is on the defendant to prove by a preponderance of the evidence that, at the time of the alleged offense, the defendant held a valid Indiana driver's license.

*As added by P.L.57-1995, SEC.8. Amended by P.L.32-2000, SEC.8.*

## **IC 14-15-11-12**

### **Unlawful authorization to operate motorboat**

Sec. 12. (a) A person may not authorize or knowingly permit a motorboat that is:

1. owned by the person; or
2. under the person's control; to be driven by a person whose operation of the motorboat violates this chapter.

(b) A person who violates this section commits a Class C infraction.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-13**

#### **Rules**

Sec. 13. (a) The bureau of motor vehicles and the natural resources commission established by IC 14-10-1-1 shall adopt rules under IC 4-22-2 to administer this chapter.

(b) The bureau of motor vehicles shall adopt rules concerning the following matters:

1. The suspension of a motorboat operator's license under section 14 of this chapter.
2. The assessment of points under section 17 of this chapter against a person who commits a misdemeanor by operating a motorboat.

(c) The natural resources commission shall adopt rules concerning the following matters:

1. The duties of the department under this chapter.
2. The information that a boating education course must offer in order to be approved by the department for purposes of this chapter.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-14**

#### **Suspension or revocation of driver's license by bureau**

Sec. 14. (a) The bureau may suspend or revoke the driver's license of a person upon the conviction of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8, or IC 14-15-12.

(b) In suspending or revoking a driver's license under this section, the bureau shall follow the procedure set forth in IC 9-30-4.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-15**

#### **Suspension or revocation of driver's license on recommendation of court**

Sec. 15. (a) A court in which an individual is convicted of a crime based on a violation of IC 14-15-3, IC 14-15-8, or IC 14-15-12 relating to the operation of a motorboat shall forward a certified abstract of the record of the conviction to the bureau.

(b) If, in the opinion of the court, an individual referred to in subsection (a) should be deprived of the privilege of operating a vehicle or motorboat, the court shall recommend the suspension of the Indiana driver's license issued to the individual for a fixed

period. The period of the suspension shall be established by the court but may not exceed one (1) year.

(c) Upon receiving the recommendation of the court under subsection (b), the bureau shall suspend the individual's license for the period recommended by the court.

(d) A certified abstract forwarded to the bureau under subsection (a):

1. must be in the form prescribed by the bureau; and
2. shall be accepted by an administrative agency or a court as prima facie evidence of the conviction and all other action stated in the abstract.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-16**

#### **Boating education course**

Sec. 16. (a) If a person's Indiana driver's license is suspended under section 15 of this chapter, the court that recommends the suspension of the person's driver's license may require the person, as a prerequisite to the ending of the suspension, to successfully complete a boating education course approved by the department for the purposes of this chapter.

(b) A court that makes the ending of the suspension of a person's Indiana driver's license conditional upon the person's completion of the boating education course under subsection (a) may also order the refunding to the person of part or all of the fine paid by the person upon conviction of the crime for which the person's license was suspended, upon the person's completion of the boating education course.

*As added by P.L.57-1995, SEC.8.*

### **IC 14-15-11-17**

#### **Assessment of points for motorboat violations**

Sec. 17. (a) For purposes of the point system for Indiana traffic convictions operated by the bureau under 140 IAC 1-4.5, the bureau shall assess points against a person who commits a crime by operating a motorboat in violation of:

1. IC 14-15-3;
2. IC 14-15-8; or
3. C 14-15-12.

(b) The bureau shall assess points against a person under this section for each crime referred to in subsection (a) that is committed by the person.

(c) The point study committee appointed by the commissioner under 140 IAC 1-4.5-3, in consultation with the department, shall determine the number of points assessed under subsection (a) for each type of criminal violation of IC 14-15-3, IC 14-15-8, or IC 14-15-12 based on the evaluation by the committee of the danger to human life, human physical safety, and property posed by the violation.

*As added by P.L.57-1995, SEC.8.*

- ◆ All motorboat or PWC operators must have a valid driver's license to operate on all Indiana public waters.
- ◆ Motorboat operators who are 15 years of age may operate a motorboat or PWC until they become a licensed driver *only if* they complete a boater education course approved by the Department of Natural Resources and have on board an ID card issued by the Indiana Bureau of Motor Vehicles (BMV).
- ◆ A person who has never been licensed by the BMV must complete an approved boater education course successfully and have on board an ID issued by the Indiana BMV to operate a motorboat legally.
- ◆ No one under 15 years of age may legally operate a motorboat greater than 10 horsepower or a PWC.
- ◆ If you operate your motorboat recklessly while intoxicated or break the PWC laws, you could have points assessed against your vehicle driver's license.
- ◆ On Indiana boundary waters, Indiana residents are required to have a driver's license. Non-residents are not required to have a license unless operating in an embayment, river, or stream in Indiana.

## Marine Events IC 14-15-7-3(a);312 IAC 5-3-1

A permit may be required for any of the following situations occurring on public waters. Permits are issued following a site investigation.

- ◆ Persons planning an event or wanting to place a structure in the waterway must contact the DNR, Law Enforcement Division headquarters for more information and forms. This applies to events or structures such as:
  - Boat race
  - Water-ski event
  - Water-ski course or jump
  - Swimming platform or anchored swim raft
  - Buoys, markers, or flags
- ◆ Major organized boating activities to be conducted on public waters require a permit.
  - If you plan to host an event that involves 15 or more watercraft as participants or an event that will draw 50 or more boats as spectators, you need a permit.
  - If you conduct an event on public waters that will disrupt normal boat traffic, you need to apply.



## Fishing Tournaments 312 IAC 2-4

- ◆ In Indiana, fishing tournaments on public waters can be regulated only by the Department of Natural Resources. However, a county or city park department (or another local entity such as a conservancy district) might place restrictions on the use of an access site, including restrictions pertaining to fishing tournaments. It is advisable to check with the owner/operator of the launch facility before planning your event to see what regulations apply. For more information, visit: [www.in.gov/dnr/fishwild/](http://www.in.gov/dnr/fishwild/)

### **What is considered a fishing tournament?**

A fishing tournament is defined as an activity involving 15 or more watercraft used for taking fish where:

- Persons compete for a trophy, citation, cash, or prize  
*or ...*
- A fee is charged to participants.

- ◆ DNR properties that have public water where fishing tournaments are managed include all of the reservoir properties: Brookville, Hardy, Huntington, Lieber, Mississinewa, Monroe, Patoka, Raccoon and Salamonie lakes. Anyone wishing to hold a tournament on any of these lakes must contact the DNR, State Parks and Reservoirs.
- ◆ In addition, the Natural Resource Commission has adopted rules governing fishing tournaments. These rules apply to Lake Wawasee and Syracuse Lake in Kosciusko County.

## Diver-Down Flags IC 14-15-9

- ◆ Indiana law requires that scuba divers or snorkelers display a diver-down flag to mark the diving area. The diver must stay within 100 feet of the flag. Boats must stay at least 150 feet away from the flag unless directly involved in supporting the diver.
- ◆ Two types of flags are used to indicate diving activity.



**Divers Flag**

*A rectangular red flag, at least 12 x 12 inches, with a white diagonal stripe is used to indicate the presence of a submerged diver in the area. Indiana law requires that divers display this flag prominently and stay within 100 feet of the flag.*



**Alfa Flag**

*A blue and white International Code Flag A (or Alfa flag), at least 3.3 feet (one meter) high and visible from all directions, must be displayed on boats on federal waters whenever these boats are restricted in their ability to maneuver by the diving operation.*

## Enforcement IC 14-15-10-1

- ◆ The boating laws of Indiana are enforced by the conservation officers of the Indiana Department of Natural Resources, the U.S. Coast Guard officers, and any other authorized peace officer or law enforcement officer.
- ◆ Officers have the authority to stop and board boats in order to check for compliance with state and federal laws.
- ◆ The U.S. Coast Guard also has enforcement authority on Waters of Concurrent Jurisdiction.



# Required Equipment



When preparing to go out, the operator must check that the legally required equipment is on board.

## Personal Flotation Devices (PFDs)

### IC 14-15-2-6 (b)

#### Personal flotation devices

Sec. 6. (b) All boats must be equipped with the number and type of personal flotation devices listed in this subsection. A person may not operate a boat unless the boat contains:

1. for each person on board, one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a Type I, Type II, Type III, or Type V personal flotation device; and
2. for a boat, except a canoe or kayak, at least sixteen (16) feet in length and in addition to the requirements of subdivision (1), one (1) personal flotation device that meets the requirements for designation by the United States Coast Guard as a Type IV personal flotation device.

- ◆ All vessels must carry one wearable (Type I, II, III, or V) U.S. Coast Guard–approved PFD for each person on board or being towed.
- ◆ In addition to the above requirement, vessels 16 feet in length or longer (except a canoe or kayak) must have one Type IV USCG–approved PFD on board and readily accessible.
- ◆ Each person on board a personal watercraft must *wear* a PFD.
- ◆ All persons being towed behind a PWC on water skis or any other device must *wear* a USCG–approved PFD. Ski belts are not USCG–approved.

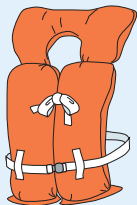


- ◆ Besides being USCG–approved, all PFDs must be:
  - *In good and serviceable condition.*
  - *Readily accessible.* You must be able to put the PFD on in a reasonable amount of time in an emergency. PFDs should not be stowed in plastic bags or in locked or closed compartments and they should not have gear stowed on top of them.
  - *Of the proper size for the intended wearer.* Sizing for PFDs is based on body weight and chest size.
- ◆ In addition to the requirements above, on Waters of Concurrent Jurisdiction:
  - A child under 13 years of age must wear a PFD except when the child is below deck in an enclosed cabin or the vessel is docked or at anchor.
  - Anyone towed on water skis, a surfboard, a kite, or similar device must wear a Type I, II, or III PFD (Type V PFDs are not approved for these activities).



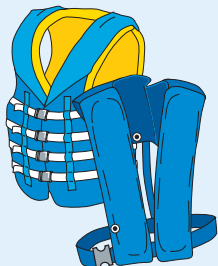
### **TYPE I: Offshore Life Jackets**

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



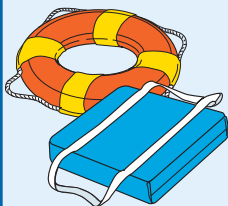
### **TYPE II: Near-Shore Vests**

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



### **TYPE III: Flotation Aids**

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



### **TYPE IV: Throwable Devices**

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



### **TYPE V: Special-Use Devices**

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

## Fire Extinguishers 312 IAC 5-13-3

Although it's always wise to carry a fire extinguisher, the requirements discussed below apply only to those operating on Waters of Concurrent Jurisdiction.

- ◆ All vessels are required to have a Type B fire extinguisher(s) on board if one or more of the following conditions exist:
  - Closed compartments under seats where portable fuel tanks may be stored
  - Closed storage compartments in which flammable or combustible materials may be stored
  - Closed living spaces
  - Permanently installed fuel tanks
- ◆ You are not required to carry a fire extinguisher on a motorboat with an outboard motor.
- ◆ Approved types of fire extinguishers are identified by the following marking on the label—"Marine Type USCG Approved"—followed by the type and size symbols and the approval number.
- ◆ Extinguishers should be placed in an accessible area—not near the engine or in a compartment, but where they can be reached immediately. Be sure you know how to operate them, and inspect extinguishers regularly to ensure they are in working condition and fully charged.

Use this chart to determine the size and quantity required for your vessel.

### Fire Extinguisher Requirements

Classification type & size	Foam minimum gallons	Carbon Dioxide minimum pounds	Dry Chemical minimum pounds
B-I	1¼	4	2
B-II	2½	15	10

Length of Vessel	Without Fixed System	With Fixed System*
Less than 26 ft.	one B-I	None
26 ft. to less than 40 ft.	two B-I <i>or</i> one B-II	one B-I
40 ft. to less than 65 ft.	three B-I <i>or</i> one B-II and one B-I	two B-I <i>or</i> one B-II

*\* refers to a permanently installed fire extinguisher system*

## Backfire Flame Arrestors

### IC 14-15-2-3

#### **Carburetor backfire arrest device**

Sec. 3. The carburetor on an inboard motorboat must be equipped with a stock factory device:

1. designed and constructed to arrest backfire; and
2. of a make or type approved by the United States Coast Guard.

*As added by P.L. 1-1995, SEC.8.*

Backfire flame arrestors are designed to prevent the ignition of gasoline vapors in case the engine backfires.

- ◆ All powerboats (except outboards) that are fueled with gasoline must have a U.S. Coast Guard–approved backfire flame arrestor on each carburetor.
- ◆ Periodically clean the flame arrestor and check for damage.

# Ventilation Systems

## IC 14-15-2-2

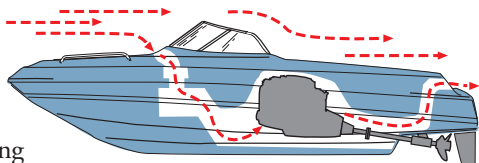
### Bilge ventilators

Sec. 2. The following must be equipped with at least two (2) bilge ventilators fitted with cowls, or the equivalent, and designed and constructed to permit the safe diffusion into the air of all inflammable or explosive gases:

1. (1) An inboard motorboat that uses motor fuel having a flash point of not more than one hundred ten degrees (110°) Fahrenheit, as determined by a tagliabue or equivalent closed cup test device.
2. The greater part of the bilge of a motorboat that is not at all times open and exposed to the air.

*As added by P.L. 1-1995, SEC.8.*

The purpose of ventilation systems is to avoid explosions by removing



flammable gases. Properly installed ventilation systems greatly reduce the chance of a life-threatening explosion.

- ◆ All gasoline-powered vessels, constructed in a way that would entrap fumes, must have at least two ventilation ducts fitted with cowls to remove the fumes.
- ◆ If your vessel is equipped with a power ventilation system, turn it on for at least four minutes after fueling and before starting your engine.
- ◆ If your vessel is not equipped with a power ventilation system (for example, a personal watercraft), open the engine compartment and sniff for gasoline fumes before starting the engine.

## Mufflers

### IC 14-15-2-4

#### Mufflers; underwater exhaust

Sec. 4. (a) This section does not apply to a motorboat competing in and during a motorboat race for which a permit has been issued by the department.

(b) A person may not operate a motorboat on Indiana water unless the boat motor is equipped with:

1. a muffler;
2. an underwater exhaust; or
3. other device;

that muffles or suppresses the sound of the exhaust to prevent excessive and unusual noise at all speeds.

*As added by P.L. 1-1995, SEC.8.*

All vessel engines must have a factory-installed muffler or exhaust water manifold for noise reduction or another effective muffling system. It is illegal to operate a motorboat equipped with a muffler cutout, bypass, or similar device. Vessel operators may not hear sound signals or voices if the engine is not adequately muffled.

## Navigation Lights

### IC 14-15-2-10

#### Lights

Sec. 10. A person may not operate a boat upon public water during the period between sunset and sunrise that is not equipped with a light required by this chapter. The light must be:

1. in good repair and operating condition; and
2. displayed and lighted or burning except as otherwise permitted.

*As added by P.L. 1-1995, SEC.8.*

## **IC 14-15-2-11**

### **White light aft**

Sec. 11. Motorboats and auxiliary sailboats must be equipped with at least one (1) white light aft, casting a light visible three hundred sixty degrees (360°) for a distance of at least two (2) miles, under the following conditions:

1. Except as provided in section 13 of this chapter, motorboats and auxiliary sailboats, whether under power and sail or power alone, must display one (1) of the following:
  - A. An all-round white light aft.
  - B. A combination of one (1) stern light visible through an arc of twelve (12) points or one hundred thirty-five degrees (135°) to the stern and at least one (1) masthead light visible twenty (20) points or two hundred twenty-five degrees (225°) so as to complete the white light arc over the horizon.
2. Sailboats more than twenty-two (22) feet in length and operating under sail alone must display one (1) of the following:
  - A. An all-round white light aft visible three hundred sixty degrees (360°).
  - B. A white stern light visible through an arc of twelve (12) points or one hundred thirty-five degrees (135°) to the stern.

*As added by P.L. 1-1995, SEC. 8.*

## **IC 14-15-2-12**

### **Combination starboard and port lights**

Sec. 12. All:

1. motorboats and auxiliary sailboats equipped with a motor or engine rated at least fifteen (15) horsepower; and
  2. sailboats more than twenty-two (22) feet in length;
- must be equipped with combination lights forward showing green to starboard and red to port visible for a distance of at least one (1) mile and affixed or attached so as to throw light from dead ahead to two (2) points abaft the beam of the respective sides. The lights shall be affixed or attached to the bow of the boat, except that sailboats operating under sail alone may combine the red and green lights with the stern light at the uppermost point of the mast.

*As added by P.L. 1-1995, SEC. 8.*

### **IC 14-15-2-13**

#### **Hand lanterns or flashlights**

Sec. 13. (a) This section applies to the following:

1. Nonpowered boats including canoes and kayaks.
2. Sailboats not more than twenty-two (22) feet in length under sail alone.
3. Boats powered only by electric motor on lakes restricted to propulsion solely by oars, paddles, or electric motors.
4. Any boat using an electric motor for positioning purposes only.

(b) A boat must be equipped with a hand portable lantern or flashlight not affixed or attached to any part of the boat and capable of throwing a white light visible for a distance of at least two (2) miles. The operator of the boat shall display the same or the white light aft, if available, in sufficient time to avoid a collision with any other boat that is being operated in accordance with this article.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-2-14**

#### **Pontoon boat lights**

Sec. 14. All flat bottomed boats supported by floats, commonly called pontoon boats, must display a fixed combination red and green light forward and a fixed white light aft, according to standards prescribed by the department.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-2-15**

#### **Violations**

Sec. 15. (a) Except as provided in subsection (b), a person who violates this chapter commits a Class C infraction.

(b) A person who violates section 7(c) or 8 of this chapter commits a Class A infraction. Notwithstanding IC 34-28-5-4(a), a judgment of at least one thousand dollars (\$1,000) shall be imposed for each Class A infraction committed in violation of section 7(c) or 8 of this chapter.

*As added by P.L. 1-1995, SEC.8. Amended by P.L. 137-2007, SEC.32.*



- ◆ Vessel operators must make sure that their vessels are equipped with the proper navigation lights and use the lights during these conditions:
  - When away from the dock between sunset and sunrise
  - During periods of restricted visibility such as fog or heavy rain
- ◆ No other lights that may be mistaken for required navigation lights may be exhibited.
- ◆ The required navigation lights differ depending on the type and size of your vessel.

<b>Your Vessel:</b>	<b>That Is:</b>	<b>Must Display These Lights When Underway:</b>	<b>As Shown In:</b>
<ul style="list-style-type: none"> <li>• Motorboat</li> <li>• Sailboat under power</li> </ul>	Powered by engine less than 15 hp	<ul style="list-style-type: none"> <li>• An all-round white light or both a masthead light and a sternlight visible from a distance of at least two miles</li> </ul>	Figure 1
<ul style="list-style-type: none"> <li>• Motorboat</li> <li>• Sailboat under power</li> </ul>	Powered by engine 15 hp or greater	<ul style="list-style-type: none"> <li>• Red and green sidelights visible from a distance of at least one mile</li> <li>• An all-round white light or both a masthead light and a sternlight visible from a distance of at least two miles</li> </ul>	Figure 2
<ul style="list-style-type: none"> <li>• Sailboat under sail</li> </ul>	More than 22 ft. in length	<ul style="list-style-type: none"> <li>• Red and green sidelights visible from a distance of at least one mile</li> <li>• A sternlight visible from a distance of at least two miles</li> </ul>	Figure 3
<ul style="list-style-type: none"> <li>• Sailboat under sail</li> <li>• Canoe or kayak</li> <li>• Vessel with an electric motor</li> </ul>	22 ft. or less in length	<ul style="list-style-type: none"> <li>• One lantern or flashlight shining a white light visible from a distance of at least two miles; the operator must display the light in sufficient time to avoid a collision with another vessel</li> </ul>	Figure 4
Speed between sunset and sunrise is limited to 10 miles per hour (IC 14-15-3-8).			

**Figure 1**



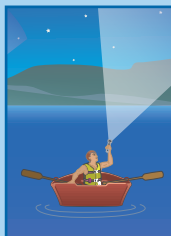
**Figure 3**



**Figure 2**

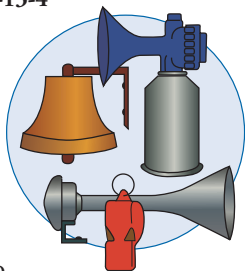


**Figure 4**



## Sound-Producing Devices 312 IAC 5-13-4

- ◆ In periods of reduced visibility or whenever a boat operator needs to signal his or her intentions or position, a sound-producing device is essential. The device may be a whistle, horn, or bell that is audible for one-half mile.
- ◆ The following requirements apply to boats operating on Waters of Concurrent Jurisdiction.
  - Vessels less than 65.6 feet in length, which includes PWCs, are required to carry on board a whistle or horn or some other means to make an efficient sound signal audible for at least one-half mile.
  - Vessels that are 65.6 feet or more in length are required to carry on board a whistle or horn, *and* a bell that are audible for at least one mile.



Some common sound signals that you should be familiar with as a recreational boater are as follows.

### Restricted Visibility

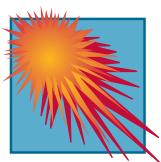
- One prolonged blast at intervals of not more than two minutes is the signal used by power-driven vessels when underway.
- One prolonged blast plus two short blasts at intervals of not more than two minutes is the signal used by sailboats under sail.

### Warning

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

## Visual Distress Signals (VDSs) 33 CFR 175.110-140

- ◆ Boats used on Waters of Concurrent Jurisdiction must be equipped with U.S. Coast Guard–approved (day and night) VDSs.
  - All vessels, regardless of length or type, are required to carry night signals when operating between sunset and sunrise. Most vessels must carry day signals also; exceptions to the requirement for day signals are:
    - Recreational vessels that are less than 16 feet in length
    - Non-motorized open sailboats that are less than 26 feet in length
    - Manually propelled vessels
- ◆ If pyrotechnic VDSs are used, a minimum of three must be carried in the vessel.
- ◆ The following combinations of signals are examples of VDSs that could be carried on board to satisfy U.S. Coast Guard requirements:
  - Three handheld red flares (day and night)
  - Three orange smoke signals (day only) and one electric light (night only)



### Pyrotechnic Visual Distress Signals

**Orange Smoke**  
*Day Signal*

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

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



### Non-Pyrotechnic Visual Distress Signals

**Electric Light**  
*Night Signal*

**Orange Flag**  
*Day Signal*

**Arm Signal**

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

In addition to the laws mentioned previously, here are some other Indiana regulations which apply when boat and PWC operators are on the water.

## Unlawful Operation

### IC 14-15-3-6

#### **Dangerous operation prohibited**

Sec. 6. A person may not operate a boat in a manner that does any of the following:

1. Unnecessarily endangers the person or property of another person.
2. Unnecessarily interferes with the safe and lawful use of public waters by another person.
3. Unnecessarily interferes with or obstructs a special event sanctioned or otherwise legally permitted by the department, another state, or the United States.

*As added by P.L. 1-1995, SEC.8.*

### IC 14-15-12-10

#### **Reasonable and prudent operation**

Sec. 10. (a) A personal watercraft operated on public waters must at all times be operated in a reasonable and prudent manner.

(b) A person shall not operate a personal watercraft on public waters in a way that endangers human life, human physical safety, or property.

(c) A person shall not do any of the following while operating a personal watercraft on public waters:

1. Weave through congested watercraft traffic in a way that endangers human life, human physical safety, or property.
2. Follow a watercraft that is towing an individual on:
  - A. water skis;
  - B. a surf board; or
  - C. another water sport device;in a way that endangers human life, human physical safety, or property.

3. Jump the wake of another watercraft in a way that endangers human life, human physical safety, or property.
4. Cut between a boat and the individual or individuals being towed by the boat.
5. Cross paths with another watercraft when visibility around the other watercraft is so obstructed as to endanger human life, human physical safety, or property.
6. Steer a personal watercraft toward an object or individual in the water and turn sharply at close range in a way that endangers human life, human physical safety, or property.

*As added by P.L.57-1995, SEC.9.*

Operating a boat or PWC in a manner that unnecessarily endangers a person or property of another person is considered dangerous. If you interfere with another person's lawful use of public water or obstruct a legally permitted marine event, you also may be charged. Should you be ticketed by a law enforcement officer for one of the crimes listed below, you could have points assessed against your driver's license.

◆ Examples of illegal and reckless operation are:

- Operating a vessel at speeds that endanger human life, endanger human physical safety or property, or prevent stopping within an assured clear distance ahead. Be aware of and obey all regulatory markers, including those marked as **"idle speed"** or **"slow, no wake speed."**
- Operating a vessel at speeds of more than 10 miles per hour between sunset and sunrise (**IC 14-15-3-8**).
- Weaving your vessel through congested waterway traffic or swerving at the last possible moment in order to avoid collision.
- Jumping the wake of another vessel such that you endanger human life, human physical safety, or property.
- Loading the vessel beyond the recommended capacity shown on the capacity plate installed by the vessel manufacturer.

- Causing a hazardous wake or wash from your vessel (IC 14-15-3-15).
  - Boating in restricted areas without regard for other boaters or persons, posted speeds and wake restrictions, diver-down flags, etc (312 IAC 5).
  - Operating in a circular course around another vessel engaged in fishing or around a person swimming.
  - Operating within 150 feet of a diver-down flag unless assisting the diver (IC 14-15-9-5).
  - Allowing passengers to ride on the gunwale or, if the vessel is less than 21 feet in length, on the bow where they may fall overboard (IC 14-15-3-24).
- ◆ Lake and channel restrictions vary depending on the size of the body of water or the waterway. You may be restricted to “idle speed” anywhere from 50 to 200 feet from the shoreline, depending on the size of the lake or the width of the channel (IC 14-15-3-17).

### **“Idle Speed” or “Slow, No Wake Speed” IC 14-8-2-129**

These buoys or signs indicate a boating restricted area established to protect the safety of the public, ecological resources, and property. “Idle speed” means the slowest possible speed, not to exceed five miles per hour, so as to maintain steerage and produce minimal wake.

# Obstructing Navigation

## IC 14-15-3-25

### **Mooring to or tampering with navigational aids**

Sec. 25. A person may not:

1. moor or attach a boat to; or
2. move, remove, displace, tamper with, damage, or destroy; a buoy, beacon, light marker, stake, flag, or other aid to safe operation placed upon public water by or by others under the authority of the United States or the state.

*As added by P.L. 1-1995, SEC.8.*

## IC 14-15-3-26

### **Anchoring so as to interfere with traffic**

Sec. 26. A person may not anchor a boat in the traveled part of a river or channel so as to:

1. prevent;
  2. impede; or
  3. interfere with;
- the safe passage of another boat through the river or channel.

*As added by P.L. 1-1995, SEC.8.*

It is illegal to:

- ◆ Anchor a vessel in the traveled portion of a river or channel in a way that will prevent or interfere with any other vessel passing through the same area.
- ◆ Moor or attach a vessel to a buoy, beacon, light, or any other navigational aid placed on public waters by proper authorities.
- ◆ Move, displace, tamper with, damage, or destroy any navigational aid.
- ◆ Obstruct a pier, wharf, boat ramp, or access to any facility.



# Alcohol and Drugs

## IC 14-15-8-1

### **“Chemical test” defined**

Sec. 1. As used in this chapter, “chemical test” means an analysis of an individual’s:

1. blood;
2. breath;
3. urine; or
4. other bodily substance;

for the determination of the presence of alcohol or a controlled substance.

*As added by P.L. 1-1995, SEC.8.*

## IC 14-15-8-2/IC 35-48-1-9

### **“Controlled substance” defined**

Sec. 9. “Controlled substance” means a drug, substance, or immediate precursor in schedule I, II, III, IV, or V under:

1. IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or IC 35-48-2-12, if IC 35-48-2-14 does not apply; or
2. a rule adopted by the board, if IC 35-48-2-14 applies.

*As added by P.L. 5-1988, SEC.189.*

## IC 35-48-1-9.3

### **“Controlled substance analog” defined**

Sec. 9.3. (a) “Controlled substance analog” means a substance:

1. the chemical structure of which is substantially similar to that of a controlled substance included in schedule I or II and that has; or
2. that a person represents or intends to have; a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II.

(b) The definition set forth in subsection (a) does not include:

1. a controlled substance;
2. a substance for which there is an approved new drug application;

3. (3) a substance for which an exemption is in effect for investigational use by a person under Section 505 of the federal Food, Drug and Cosmetic Act (chapter 675, 52 Stat. 1052 (21 U.S.C. 355)), to the extent that conduct with respect to the substance is permitted under the exemption; or
4. a substance to the extent not intended for human consumption before an exemption takes effect regarding the substance.

*As added by P.L.225-2003, SEC.1.*

### **IC 14-15-8-3**

#### **“Intoxicated” defined**

Sec. 3. As used in this chapter, “intoxicated” means under the influence of:

1. alcohol;
2. a controlled substance;
3. any drug (as defined in IC 9-13-2-49.1) other than alcohol or a controlled substance; or
4. any combination of alcohol, controlled substances, or drugs;

so that there is an impaired condition of thought and action and the loss of normal control of an individual’s faculties.

*As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.16; P.L.69-2009, SEC.4.*

### **IC 14-15-8-4**

#### **“Law enforcement officer” defined**

Sec. 4. As used in this chapter, “law enforcement officer” has the meaning set forth in IC 35-41-1. The term includes conservation officers employed by the department.

*As added by P.L.1-1995, SEC.8.*

### **IC 14-15-8-5**

#### **“Prima facie evidence of intoxication” defined**

Sec. 5. As used in this chapter, “prima facie evidence of intoxication” includes evidence that at the time of an alleged violation there was an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:

1. one hundred (100) milliliters of the person’s blood; or
2. two hundred ten (210) liters of the person’s breath.

*As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.17; P.L.1-2000, SEC.15; P.L.175-2001, SEC.14.*

### **IC 14-15-8-6**

#### **“Relevant evidence” defined**

Sec. 6. As used in this chapter, “relevant evidence” includes evidence that at the time of the alleged violation there was an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least five-hundredths (0.05) gram and less than eight-hundredths (0.08) gram of alcohol per:

1. one hundred (100) milliliters of the person’s blood; or
2. two hundred ten (210) liters of the person’s breath.

*As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.18; P.L.1-2000, SEC.16; P.L.175-2001, SEC.15.*

### **IC 14-15-8-7/ IC 35-41-1-25**

#### **“Serious bodily injury” defined**

Sec. 25. “Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes:

1. serious permanent disfigurement;
2. unconsciousness;
3. extreme pain;
4. permanent or protracted loss or impairment of the function of a bodily member or organ; or
5. loss of a fetus.

*As added by P.L.311-1983, SEC.26. Amended by P.L.261-1997, SEC.1.*

## IC 14-15-8-8

### Operation of motorboat while intoxicated

Sec. 8. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat:

1. with an alcohol concentration equivalent (as defined in IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol per:
  - A. one hundred (100) milliliters of the person's blood; or
  - B. two hundred ten (210) liters of the person's breath; or
2. while intoxicated;

commits a Class C misdemeanor.

(b) The offense is a Class D felony if:

1. the person has a previous conviction under:
  - A. IC 14-1-5 (repealed); or
  - B. this chapter; or
2. the offense results in serious bodily injury to another person.

(c) The offense is a Class C felony if the offense results in the death of another person.

*As added by P.L. 1-1995, SEC.8. Amended by P.L.33-1997, SEC.19; P.L.1-2000, SEC.17; P.L.175-2001, SEC.16.*

## IC 14-15-8-9

### Operation of motorboat in violation of order

Sec. 9. A person who operates a motorboat after the person has been ordered not to operate a motorboat under:

1. IC 14-1-5 (repealed); or
2. this chapter;

commits a Class A misdemeanor.

*As added by P.L. 1-1995, SEC.8.*

## IC 14-15-8-10

### Orders not to operate motorboat

Sec. 10. (a) In addition to any criminal penalties imposed for a misdemeanor under this chapter, the court shall order the person to not operate a motorboat for at least one (1) year.

(b) In addition to any criminal penalty imposed for a felony under this chapter, the court shall order the person to not operate a motorboat for at least two (2) years.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-8-11**

#### **Implied consent to chemical test**

Sec. 11. A person who operates a motorboat in water over which Indiana has jurisdiction impliedly consents to submit to the chemical test provisions of this chapter as a condition of operating a motorboat in Indiana. If a person refuses to submit to a chemical test under this chapter, the court shall order the person to not operate a motorboat for at least one (1) year.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-8-12**

#### **Offer of chemical test**

Sec. 12. (a) A law enforcement officer who has probable cause to believe that a person has committed an offense under this chapter shall offer the person the opportunity to submit to a chemical test. It is not necessary for the law enforcement officer to offer a chemical test to an unconscious person.

(b) A law enforcement officer may offer a person more than one (1) chemical test under this chapter. However, all tests must be administered within three (3) hours after the officer had probable cause to believe the person violated this chapter.

(c) A person must submit to each chemical test offered by a law enforcement officer to comply with the implied consent provisions of this chapter.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-8-13**

#### **Arrests; refusal to submit to chemical test**

Sec. 13. (a) If a chemical test results in relevant evidence that the person is intoxicated, the person may be arrested for an offense under this chapter.

(b) If a chemical test results in prima facie evidence that the person is intoxicated, the person shall be arrested for an offense under this chapter.

(c) A person who refuses to submit to a chemical test may be arrested for an offense under this chapter.

(d) At a proceeding under this chapter, a person's refusal to submit to a chemical test is admissible into evidence.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-8-14**

#### **Applicability of IC 9-30-6-5 and IC 9-30-6-6**

Sec. 14. (a) The provisions of IC 9-30-6-5 concerning the certification and use of chemical breath tests apply to the use of chemical breath tests in a prosecution under this chapter.

(b) IC 9-30-6-6 applies to chemical tests performed under this chapter.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-8-15**

#### **Information provided upon refusal to submit to chemical test**

Sec. 15. If a person refuses to submit to a chemical test under this chapter, the law enforcement officer shall inform the person that the person's refusal will result in the suspension of the person's motorboat operation privileges.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-8-16**

#### **Prosecuting attorney to represent state**

Sec. 16. The prosecuting attorney of the county in which an alleged violation of this chapter occurs shall represent the state in a proceeding under this chapter.

*As added by P.L. 1-1995, SEC.8.*

### **IC 14-15-8-17**

#### **Admissibility of evidence; chemical tests**

Sec. 17. (a) At a proceeding concerning an offense under this chapter, evidence of the alcohol concentration that was in the blood of the person charged with the offense;

1. at the time of the alleged violation; or
2. within the time allowed for testing under section 12 of this chapter;

as shown by an analysis of the person's breath, blood, urine, or other bodily substance is admissible.

(b) If, in a prosecution for an offense under this chapter, evidence establishes that:

1. a chemical test was performed on a test sample taken from the person charged with the offense within the period of time allowed for testing under section 12 of this chapter; and

2. the person charged with the offense had an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

- A. one hundred (100) milliliters of the person's blood;  
or

- B. two hundred ten (210) liters of the person's breath;

the trier of fact shall presume that the person charged with the offense had an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per one hundred (100) milliliters of the person's blood or per two hundred ten (210) liters of the person's breath at the time the person operated the motorboat. However, this presumption is rebuttable.

*As added by P.L.1-1995, SEC.8. Amended by P.L.33-1997, SEC.20; P.L.69-2009, SEC.5.*

## **IC 9-30-5-10**

### **Suspension of driving privileges; probationary driving privileges**

Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter or IC 14-15-8, the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the suspension of the person's driving privileges for the fixed period of time specified under this section. The court may require that a period of suspension recommended under this section be imposed, if applicable, before a period of incarceration or after a period of incarceration, or both before and after a period of incarceration, as long as the suspension otherwise complies with the periods established in this section.

(b) If the court finds that the person:

1. does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or
2. has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but

less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse. The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.

(e) If the conviction under consideration by the court is for an offense under:

1. section 4 of this chapter;
2. section 5 of this chapter;
3. IC 14-15-8-8(b); or
4. IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.



(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

*As added by P.L.2-1991, SEC.18. Amended by P.L.131-1993, SEC.2; P.L.64-1994, SEC.3; P.L.57-1995, SEC.3; P.L.76-2004, SEC.6; P.L.94-2006, SEC.5; P.L.172-2006, SEC.1; P.L.126-2008, SEC.10.*

It is illegal to operate a motorboat or a personal watercraft while intoxicated due to alcohol or any combination of alcohol, controlled substance, or drugs. Alcohol and drugs cause impaired balance, blurred vision, poor coordination, impaired judgment, and slower reaction time.

- ◆ It is unlawful for owners of motorboats or PWCs to operate or allow anyone else to operate their motorboat or PWC while that person is intoxicated.
  - Indiana law defines intoxication as having a blood alcohol level of 0.08% or greater, or being under the influence of alcohol and/or drugs such that a person's thoughts and actions are impaired and he or she has a loss of normal control of faculties to such an extent as to cause danger to others.
  - You also may be arrested if your blood alcohol level is less than 0.08% but over 0.05%.
- ◆ Indiana law establishes the following penalties.
  - If arrested and convicted of boating while intoxicated, you will face the penalties of a Class C misdemeanor. In addition, if this is your first offense or the first in 10 years, you may lose all your driving privileges (motorboat and motor vehicle) for at least 90 days and up to two years.
  - For a second conviction within five years, you may be fined, jailed, and lose the privilege to operate a vehicle, motorboat, or PWC for one to two years. More severe penalties exist for additional convictions.

- A person boating while intoxicated who causes the death or serious injury of another person will, upon conviction, be guilty of a felony.

- ◆ By operating a motorboat or PWC on Indiana waters, you have consented to be tested for alcohol or drugs if requested by a law enforcement official. If you refuse to be tested, you will be subject to arrest and punishment consistent with the penalties described on the previous page and lose your privilege to operate a motorboat or PWC for at least one year.



## Accidents and Casualties

### IC 14-15-4-1

#### Duties of operators

Sec. 1. The operator of a boat involved in an accident or a collision resulting in injury to or death of a person or damage to a boat or other property shall do the following:

1. Stop the boat immediately and as close as possible to the scene of the accident.
2. Return to the scene of the accident and remain there until the operator has complied with this section.
3. Give:
  - A. the operator's name and address;
  - B. a full identification of the boat operated; and
  - C. the name and address of the owner;to the operator of each other boat and each person injured.
4. Upon request, exhibit the operator's license to the operator of each other boat and each person injured.

5. Provide reasonable assistance to each person injured, including carrying or arranging for carrying each injured person to a physician, surgeon, or hospital for medical or surgical treatment if:
  - A. it is apparent that treatment is necessary; or
  - B. the injured person so requests.

*As added by P.L.1-1995, SEC.8.*

## **IC 14-15-4-2**

### **Notice; reports**

Sec. 2. (a) The operator of a boat involved in an accident or a collision resulting in:

1. injury to or death of a person; or
2. damage to a boat or other property to an apparent extent of at least seven hundred fifty dollars (\$750);

shall provide the information required under subsection (b).

(b) An operator of a boat subject to subsection (a) shall do the following:

1. Give notice of the accident to:
  - A. the office of the sheriff of the county;
  - B. the nearest state police post; or
  - C. the nearest conservation office;immediately and by the quickest means of communication.
2. Mail to the department a written report of the accident or collision within twenty-four (24) hours of the accident or collision.

*As added by P.L.1-1995, SEC.8. Amended by P.L.210-2001, SEC.3.*

## **IC 14-15-4-3**

### **Duties of other occupants**

Sec. 3. (a) If the operator of a boat is physically incapable of performing a duty imposed by sections 1 and 2 of this chapter, each other occupant of the boat shall perform the duty or see that the duty is performed.

(b) If a person to whom the operator of a boat is required to furnish information under section 1 of this chapter is physically incapable of receiving the information, the operator shall furnish the information to another occupant of the same boat.

*As added by P.L.1-1995, SEC.8.*

#### IC 14-15-4-4

##### Violations

Sec. 4. A person who violates this chapter commits a Class C misdemeanor. However, the offense is:

1. a Class A misdemeanor if the accident or collision results in an injury to a person;
2. a Class D felony if:
  - A. the accident or collision results in serious bodily injury to a person; or
  - B. within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a) or IC 14-15-8-8; or
3. a Class C felony if the accident or collision results in the death of a person.

*As added by P.L.1-1995, SEC.8. Amended by P.L.97-2002, SEC.1.*

- ◆ Vessel operators involved in a boating accident must stop and remain at the scene to give assistance, including ensuring that any injured person involved in the accident receives medical treatment.
- ◆ Operators involved in an accident must give his or her name and address, vessel registration number, and the name and address of the vessel's owner to operators of other vessels and any person injured in the accident.
- ◆ Operators must report the accident. A boating accident includes but is not limited to: capsizing, collision, foundering, flooding, fire, explosion, and the disappearance of a boat other than by theft.

- ◆ The operator must file an accident report form supplied by the Indiana Department of Natural Resources if:
  - A person dies or disappears *or* ...
  - A person is injured or requires medical treatment *or* ...
  - Damage to the vessel and other property exceeds \$750.
- ◆ Failure to report a boating accident or collision which results in an injury to a person is a Class A misdemeanor. If the accident or collision results in serious bodily injury or death of a person, the offense is a felony.
- ◆ You must notify the office of the county sheriff, the nearest state police post, or the nearest conservation office as quickly as possible.
- ◆ Your written report must be made within 24 hours of the accident.

## Discharge of Trash

### IC 14-15-2-8

#### Littering

Sec. 8. (a) As used in this section, "litter" means bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, plastic, or similar refuse.

(b) In the operation or use of watercraft, a person may not throw, dump, place, deposit, or cause or permit to be thrown, dumped, placed, or deposited:

1. any litter, filth, or putrid or unwholesome substance; or
2. the contents of a water closet or toilet, catch basin, or grease trap;

in or upon public water or the banks of public water.

*As added by P.L. 1-1995, SEC.8.*

It is illegal to dump refuse, garbage, or plastics into any state or federally controlled waters. Many forms of litter can kill birds, fish, and marine mammals.

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

*It's the Law!* **67**

## Discharge of Sewage and Waste

### IC 14-15-2-7

#### Holding tanks; sewage disposal

Sec. 7. (a) As used in this section, “sewage” means human body wastes.

(b) A person may not keep, maintain, or operate upon public water a boat that is equipped with a water closet or toilet unless the water closet or toilet is equipped with a holding tank with the capacity to store wastes for subsequent disposal at:

1. an approved shoreside facility or incinerator; or
2. a treatment system approved by the department of environmental management according to rules adopted by the solid waste management board or the water pollution control board.

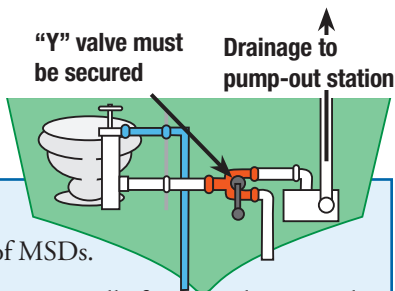
(c) A person may not dispose of sewage accumulated in a holding tank or any other container on a watercraft in a manner that the sewage reaches or may reach public waters, except through a sewage disposal facility approved by the department of environmental management according to rules adopted by:

1. the solid waste management board; or
2. the water pollution control board.

*As added by P.L. 1-1995, SEC.8.*

- ◆ It is illegal to discharge untreated waste into any state or federally controlled waters.
- ◆ If you have a recreational boat with installed toilet facilities, it should have an operable marine sanitation device (MSD) on board.
- ◆ All installed devices must be U.S. Coast Guard–certified and working properly.
- ◆ A U.S. Coast Guard–approved Type I or II MSD can be operated lawfully on a legally navigable waterway that is suitable for direct interstate boating transportation. A Non-Rule Policy Document listing of these waterways can be found at the Natural Resource Commission website: [www.in.gov/nrc/](http://www.in.gov/nrc/)

## Typical Marine Sanitation Device



### Types of MSDs

There are three types of MSDs.

- ◆ Type I and II MSDs are usually found on large vessels. Waste is treated with special chemicals to kill bacteria. The "Y" valve must be secured so that waste cannot be discharged into the water.
- ◆ Type III MSDs provide no treatment and are either holding tanks or portable toilets. Collected waste should be taken ashore and disposed of in a pump-out station or onshore toilet.

## Discharge of Oil and Other Hazardous Substances

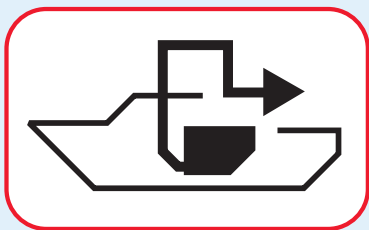
- ◆ It is illegal to discharge oil or hazardous substances.
- ◆ You are not allowed to dump oil into the bilge of the vessel without means for proper disposal.
- ◆ You must dispose of oil waste at an approved reception facility. On recreational boats, a bucket or bailer is adequate.
- ◆ If boating on federally controlled waters and your boat is 26 feet or longer, you must display a 5 x 8-inch placard near the bilge pump switch stating the Federal Water Pollution Control Act's law.

If your vessel discharges oil or hazardous substances into the water:



- ◆ Immediately call the U.S. Coast Guard at **1-800-424-8802**.
- ◆ Also notify the Indiana Department of Environmental Management by calling **1-888-233-7745** or **1-800-TIP-IDNR**.

**See page 80 for a list of pump-out locations.**





# Specifically for PWCs



Personal watercraft (PWC) operators must adhere to additional legal requirements that apply specifically to the operation of PWCs on Indiana waters.

## Requirements Specific to PWCs

### IC 14-15-12-1

#### **“Individual” defined**

Sec. 1. As used in this chapter, “individual” means an individual human being.

*As added by P.L.57-1995, SEC.9.*

### IC 14-15-12-2/ IC 14-8-2-202 (a)

#### **“Person” defined**

Sec. 202. (a) “Person” means, except as provided in subsections (b) through (j), an individual, a partnership, an association, a fiduciary, an executor or administrator, a limited liability company, or a corporation.

### IC 14-15-12-3/ IC 14-8-2-202.5

#### **“Personal watercraft” defined**

Sec. 202.5. “Personal watercraft”, for purposes of IC 14-15, means a watercraft:

1. whose primary source of motive power is an inboard motor powering a water jet pump; and
2. that is designed to be operated by a person who sits, stands, or kneels on the surface of the watercraft rather than sitting or standing inside the watercraft.

*As added by P.L.57-1995, SEC.7.*

### IC 14-15-12-4/ IC 14-8-2-226

#### **“Public waters”**

Sec. 226. “Public waters”, for purposes of IC 14-15, means every lake, river, stream, canal, ditch, and body of water that is:

1. subject to the jurisdiction of the state; or
2. owned or controlled by a public utility.

*As added by P.L.1-1995, SEC.1.*

### **IC 14-15-12-5**

#### **Additional requirements and prohibitions**

Sec. 5. The requirements and prohibitions set forth in this chapter concerning personal watercraft are in addition to the requirements and prohibitions set forth in IC 14-15-3 and IC 14-15-8.

*As added by P.L.57-1995, SEC.9.*

### **IC 14-15-12-6**

#### **Operation while facing rear prohibited**

Sec. 6. A person shall not operate a personal watercraft on public waters while facing the rear of the personal watercraft.

*As added by P.L.57-1995, SEC.9.*

### **IC 14-15-12-7**

#### **Restrictions on water activities**

Sec. 7. A personal watercraft shall not be used on public waters to tow individuals engaged in waterskiing, aquaplaning, or similar activities, unless:

3. the personal watercraft is at least nine (9) feet long;
4. the personal watercraft is designed to seat at least three individuals; and
5. an individual other than the operator of the personal watercraft is aboard the personal watercraft, acting as an observer.

*As added by P.L.57-1995, SEC.9. Amended by P.L.28-1998, SEC.1.*

### **IC 14-15-12-8**

#### **Personal flotation devices**

Sec. 8. A person shall not operate a personal watercraft on public waters unless every individual:

1. operating;
2. riding on; or
3. being towed by;

the personal watercraft is wearing a personal flotation device that meets the requirements for designation by the United States Coast Guard as a Type I, Type II, Type III, or Type V personal flotation device, if applicable.

*As added by P.L.57-1995, SEC.9. Amended by P.L.38-2000, SEC.5; P.L.24-2001, SEC.2.*

## **IC 14-15-12-9**

### **Self-circling capability**

Sec. 9. A personal watercraft that does not have self-circling capability shall not be operated on public waters unless:

1. the personal watercraft is equipped with a lanyard type engine cutoff switch; and
2. the lanyard is attached to the person, clothing, or personal flotation device of the operator.

*As added by P.L.57-1995, SEC.9.*

## **IC 14-15-12-10**

### **Reasonable and prudent operation**

Sec. 10. (a) A personal watercraft operated on public waters must at all times be operated in a reasonable and prudent manner.

(b) A person shall not operate a personal watercraft on public waters in a way that endangers human life, human physical safety, or property.

(c) A person shall not do any of the following while operating a personal watercraft on public waters:

1. Weave through congested watercraft traffic in a way that endangers human life, human physical safety, or property.
2. Follow a watercraft that is towing an individual on:
  - A. water skis;
  - B. a surf board; or
  - C. another water sport device;in a way that endangers human life, human physical safety, or property.
3. Jump the wake of another watercraft in a way that endangers human life, human physical safety, or property.
4. Cut between a boat and the individual or individuals being towed by the boat.
5. Cross paths with another watercraft when visibility around the other watercraft is so obstructed as to endanger human life, human physical safety, or property.
6. Steer a personal watercraft toward an object or individual in the water and turn sharply at close range in a way that endangers human life, human physical safety, or property.

*As added by P.L.57-1995, SEC.9.*

### **IC 14-15-12-11**

#### **Unlawful authorization to operate watercraft**

Sec. 11. A person who:

1. owns a personal watercraft; or
2. has charge over or control of a personal watercraft;

shall not authorize or knowingly permit the personal watercraft to be operated in violation of this chapter.

*As added by P.L.57-1995, SEC.9.*

### **IC 14-15-12-12**

#### **Nonapplicability**

Sec. 12. Sections 6, 7, 8, 9, and 10 of this chapter do not apply to:

1. a performer engaged in a professional exhibition; or
2. a person participating in a regatta, a race, a marine parade, a tournament, or an exhibit; that is held in compliance with rules adopted by the natural resources commission.

*As added by P.L.57-1995, SEC.9.*

### **IC 14-15-12-13**

#### **Violations**

Sec. 13. (a) A person who intentionally, knowingly, or recklessly violates section 10 of this chapter commits a Class C misdemeanor.

(b) A person who violates section 6, 7, 8, 9, or 11 of this chapter commits a Class C infraction.

*As added by P.L.57-1995, SEC.9.*

- ◆ Each person riding on or being towed behind a PWC must *wear* a U.S. Coast Guard–approved wearable personal flotation device. Recommended are PFDs designed to withstand the impact of hitting the water at high speed.
- ◆ PWCs must either be equipped with an ignition safety switch or have a self-circling feature in case the operator falls off. An operator of a PWC equipped with a lanyard-type ignition safety switch must always attach the lanyard to his or her person, clothing, or PFD.
- ◆ PWCs may be operated during daylight hours only unless equipped with the appropriate lighting.
- ◆ It is illegal to operate a personal watercraft while under the influence of alcohol or drugs.
- ◆ You must operate a PWC in a reasonable and prudent manner. It is illegal to endanger human life, safety, or property. You may not:
  - Weave through congested traffic.\*
  - Follow a vessel that is towing other individuals.\*
  - Jump the wake of another vessel.\*
  - Cut between a vessel and an individual being towed.\*
  - Cross paths with another vessel when vision is obstructed.\*
  - Steer toward an object or person in the water and turn sharply at close range.\*
  - Operate while facing backwards.

\*Should you be ticketed by an enforcement officer for one of these crimes, you could have points assessed against your driver's license (**140 IAC 1-4.5-10**).

# Specifically for Skiing



## Requirements for Towing Skiers

### IC 14-15-3-20

#### **Towing of persons or objects**

Sec. 20. A person operating a motorboat may not tow a water ski, a watersled, an aquaplane, or a similar object, including a person on the waterski, watersled, aquaplane, or similar object, unless:

1. the motorboat is occupied by at least one (1) other person who is giving the person's entire attention to watching the object or person towed; and
2. the person operating the boat is giving the person's entire attention to the operation of the boat.

*As added by P.L.1-1995, SEC.8.*

### IC 14-15-12-7

#### **Restrictions on water activities**

Sec. 7. A personal watercraft shall not be used on public waters to tow individuals engaged in waterskiing, aquaplaning, or similar activities, unless:

1. the personal watercraft is at least nine (9) feet long;
2. the personal watercraft is designed to seat at least three (3) individuals; and
3. an individual other than the operator of the personal watercraft is aboard the personal watercraft, acting as an observer.

*As added by P.L.57-1995, SEC.9. Amended by P.L.28-1998, SEC.1.*

- ◆ Every boat or PWC towing a person(s) on water skis, an aquaplane, or a similar device must have a person on board, in addition to the operator, observing the towed person(s) at all times.

- ◆ If towing a person behind a personal watercraft, the PWC must be at least nine (9) feet in length and be rated for three people—the operator, the observer, and the retrieved skier.
- ◆ All persons being towed behind a boat or PWC on water skis or any other device must *wear* a U.S. Coast Guard–approved PFD. Ski belts are not USCG–approved.
- ◆ Persons may be towed behind a boat or PWC during daylight hours only.

## **Water-Skiing/Tubing on the Ohio River** 312 IAC 5-13-5

Several laws for water-skiing and tubing on the Ohio River differ from those of other Indiana waterways.

- ◆ The operator of the towing vessel may have either an observer on board or use a rearview mirror.
  - If an observer is used, he or she must be at least 12 years of age.
  - If a rearview mirror is used, the mirror must have at least a 160-degree-wide angle of vision and be mounted so that the operator can see the person being towed.
  - A mirror is not allowed if towing a kite. There must be an observer at least 12 years of age on board.
- ◆ The hours are extended to one (1) hour before sunrise to one (1) hour after sunset.
- ◆ Anyone being towed on water skis, a surfboard, a kite, or similar device must wear a Type I, II, or III PFD (Type V PFDs are not approved).

## Hand Signals for Skiers

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



**Skier OK**



**Back to dock**



**Skier down—watch!**



**Speed up**



**Slow down**



**Speed OK**



**Turn left**



**Turn right**



**Stop**



## Lake & River Enhancement Program

- ◆ The Indiana Department of Natural Resource's Lake and River Enhancement Program (LARE) was developed in 1989 to ensure the continued viability of public-access lakes and streams. The program's initial goal was to utilize a watershed approach to reduce non-point source sediment and nutrient pollution of Indiana's surface water to a level that meets or surpasses state water quality standards.
- ◆ The 2003 Indiana General Assembly enacted House Enrolled Act 1336 which increased the LARE fee paid by registered vessel owners. The increase in fees provides funding to remove sediment and control exotic or invasive plant or animal species.
- ◆ In addition, one-third of these fees will provide funding for the Law Enforcement Division to establish additional marine enforcement patrols on Indiana lakes and rivers. A portion of these funds also may be available for counties with supplemental law enforcement marine patrols.
- ◆ The LARE fee is based on the value of the vessel when new.

<i><b>Value of the Vessel</b></i>	<i><b>Fee</b></i>
Less than \$1000	\$5
At least \$1000, but less than \$3000	\$10
At least \$3000, but less than \$5000	\$15
At least \$5000, but less than \$10,000	\$20
At least \$10,000	\$25