

The Secretary of the Maryland Department of Natural Resources proposes Emergency amendments to Regulation .01 - .07 under COMAR 08.18.40. The purpose of this action is to ensure safe boating on Maryland's waterways. The Emergency will be in affect for a study period of 180 days beginning in June 2014. At the end of the study period a Public Hearing may be held before the amendments can become final in 2015.

Items in [parenthesis] are being deleted; items in *italics* are being added.

## Title 08

### DEPARTMENT OF NATURAL RESOURCES

#### Subtitle 18 BOATING—SPEED LIMITS AND OPERATION OF VESSELS

##### *Chapter 40 JetPack Vessel*

*Authority: Natural Resources Article, §8-704, Annotated Code of Maryland*

##### **.01 Scope.**

- A. The regulations of this chapter govern the use of JetPack Vessels on all waters of the State.
- B. JetPack Vessels shall comply with all laws and regulations governing Class A vessels including but not limited to registration, operation, and navigation.
- C. JetPack Vessels operated for recreational or commercial ("for hire") uses are subject to all boating safety laws, unless otherwise noted in these regulations.

##### **.02 Purpose.**

The purpose of this chapter is to develop comprehensive safety standards and registration requirements for JetPack Vessels operated on the waters of the State.

##### **.03 Exceptions.**

This chapter does not apply to:

- A. JetPack Vessels used solely for the purpose of emergency rescue operations and associated emergency training programs; and
- B. If approved by the Department of Natural Resources or the U.S. Coast Guard JetPack Vessels engaged in a:
  - (1) Professional exhibition;
  - (2) Regatta;
  - (3) Motorboat race or other boat race;
  - (4) Marine parade; or
  - (5) Tournament or exhibition.

##### **.04 Definitions.**

A. In this chapter the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Boat unit" refers to the portion of the JetPack Vessel that contains the jet pump and water intake valve(s).

The boat unit includes:

- (a) A separately registered personal watercraft that is attached to the jet propelled device via a high pressure water hose; or
- (b) A streamlined hull consisting of an engine and water pump that is connected to the jet propelled device via a high pressure water hose. The hull is not required to have seating for an operator or passenger.
- (2) "Class A vessel" means a motorboat less than 16 feet in length as defined by the U.S. Coast Guard in 46 CFR § 24.10-17.
- (3) "Department" refers to the Maryland Department of Natural Resources.
- (4) "Helmet" means a water sport helmet.
- (5) "Instructor" is any person that provides instruction regarding the operation and use of the JetPack Vessel.
- (6) "JetPack Vessel" refers to a system whereby a jet propelled device is attached via a high pressure water hose to a boat unit that contains a jet pump. The boat unit intakes water and pumps it through the high pressure water hose to the jet propelled device capable of elevating a rider from the surface of the water.
- (7) "Jet Propelled Device" refers to the portion of the JetPack Vessel where the rider is seated or standing including but not limited to jet propelled boards, jetpacks and water bikes.
- (8) "Observer" means a person other than the rider that is responsible for the safety of the rider and all equipment involved in the JetPack Vessel operation.

- (9) "Operate" means to navigate or otherwise use a vessel and or move or support a person in the water or air.
- (10) "Operator" is the person that controls the thrust of the jet propelled device. The operator may also serve as the rider.
- (11) "Owner" means the person or entity that registers the JetPack Vessel.
- (12) "Personal watercraft" means a Class A vessel which:
- (a) Has an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;
  - (b) Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel;
  - (c) Has the probability that the operator and passenger may, in the normal course of use, fall overboard; and
  - (d) Is designed with no open load-carrying area which would retain water.
- (13) "Porpoise like motion" means the intentional operation of the jet propelled device under the surface of the water for a lateral distance of more than 2 feet and then resurfacing.
- (14) "Rescue vessel" means a fully navigable motorized vessel sufficient to carry all of the people involved in the JetPack Vessel activity.
- (15) "Restricted Visibility" means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, sandstorms or any other similar causes.
- (16) "Rider" is the person actually on the jet propelled device. The rider may also serve as the operator.

#### **.05 Restrictions.**

A. A person may not operate or give permission to operate a JetPack Vessel in a reckless or negligent manner as set forth in COMAR 08.18.01.05.

B. A person may not lease, hire, rent, operate, or give permission to operate a JetPack Vessel unless the observer, operator, and rider are 16 years old or older.

C. A person may not operate or give permission to operate a JetPack Vessel unless:

(1) An observer is on a navigable rescue vessel that is located at least 100 feet, but no more than 300 feet, away from the rider;

(2) The observer is responsible for the safety of only one rider at a time; and

(3) The observer meets Maryland requirements for a vessel operator.

D. All JetPack Vessels and Rescue Vessels must have an "international orange" flag with a minimum size of 12"x 12" mounted on a pole that is at least 24 inches above the water. The flag must be visible, and remain visible, until the rider is safely secured on the rescue vessel and out of the jet propelled device.

E. All riders and instructors must display "international orange" markings of at least 12" x 12." The required markings may include a vest or flag that is attached to the rider and instructor.

F. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State unless the rider is wearing a helmet and a high impact Type I, Type II, or Type III personal flotation device approved by the U.S. Coast Guard.

G. A person may not operate or give permission to operate a JetPack Vessel in any area of water with a depth of less than 6 feet unless the jet propelled device and rider maintain contact with the water at all times.

H. A person may not operate or give permission to operate a JetPack Vessel in properly identified speed zones unless the jet propelled device and rider maintain contact with the water at all times. Properly identified speed zones include 6 knot zones and minimum wake zones.

I. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State within 100 feet in all directions, including vertically, of any bridge, structure, shore, wharf, pier, piling, mooring ball, buoy, vessel, or people in the water, unless the jet propelled device and rider maintain contact with the water at all times. This distance restriction does not apply to the instructor, the boat unit, or the operator.

J. The rider is prohibited from picking up any other person or using a tandem harness to include a second rider.

K. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State in a porpoise like motion except as provided in COMAR 08.18.40.06.

L. A person may not operate or give permission to operate a JetPack Vessel on the waters of the State:

(1) Between sunset and sunrise; or

(2) In or near an area of restricted visibility.

M. A JetPack Vessel operator, observer and rider born after July 1, 1972 shall carry a certificate of Boater Safety Education pursuant to Natural Resources Article, §8-712.2, Annotated Code of Maryland.

N. A person may not act as an observer, rider, operator, instructor or give permission to operate or observe a JetPack Vessel on the waters of the State if they are:

(1) Under the influence of alcohol;

(2) Impaired by alcohol;

(3) So far impaired by any drug, combination of drugs, or combination of one or more drugs and alcohol that the person cannot operate a vessel safely; or

(4) Impaired by any controlled dangerous substance, as defined in § 5-101 of the Criminal Law Article unless the person is entitled to use the controlled dangerous substance under the laws of the State.

*O. A person may not operate or give permission to operate on the waters of the State a JetPack Vessel unless it is equipped with an engine cutoff switch.*

*P. All JetPack Vessels must be registered in accordance with COMAR 08.04.03.*

*Q. Any person who leases, rents, or otherwise receives consideration for the use of JetPack Vessels shall comply with COMAR 08.04.08.*

***.06 Special Operating Conditions.***

*In addition to the restrictions set forth in COMAR 08.18.40.05, a person may not operate or give permission to operate a JetPack Vessel in a porpoise like motion unless the water depth is a minimum of 25 feet.*

***.07 Registration of Boat Units.***

*A. Boat units are vessels as defined by Natural Resources Article, § 8-701(s), Annotated Code of Maryland.*

*B. All boat units shall have a valid:*

- (1) Hull Identification Number; and*
- (2) Vessel Registration*

**Comments may be sent to Michael Grant, Regulations Coordinator, Boating Services, Clean Waterways, Facilities and Regulations Division, Maryland Department of Natural Resources, 580 Taylor Avenue, E-4, Annapolis, MD 21401, or call 410-260-8013, or fax to 410-260-8453, or e-mail to [Michael.Grant@maryland.gov](mailto:Michael.Grant@maryland.gov)**

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