

SECTION .0200 - SAFETY EQUIPMENT AND ACCIDENT REPORTS

15A NCAC 10F .0201 SAFETY EQUIPMENT

(a) ~~Federal Regulations Adopted. As its regulations governing required equipment of vessels as defined in G.S. 75A-2(5), pursuant to G.S. 75A-6, the Wildlife Resources Commission incorporates by reference, including subsequent amendments and editions, the following federal regulations, to be applicable to vessels operated on all waters of this state as defined by G.S. 75A-2(6): Code of Federal Regulations, Title 46, Part 25, and Title 33, Part 175, as supplemented by the Federal Register. All vessels subject to the rules of this Section shall meet the vessel equipment requirements set forth in G.S. 75A-6(n), 46 CFR 25, and 33 CFR 175. 46 CFR 25 and 33 CFR 175 are incorporated by reference, including subsequent amendments and editions, and can be found free of charge online at www.ecfr.gov. Notwithstanding the federal regulations incorporated by this Paragraph, Paragraphs (b) through (g) apply to vessels operating in State waters. To the extent that the these vessel equipment requirements of G.S. 75A-6 conflict with these the incorporated federal regulations, federal regulations shall supersede any and all State laws or regulations. they are hereby modified to conform to the federal regulations as authorized by G.S. 75A-6(m) and 113-307. Without limitation to the adoption of the Federal regulations named herein, Paragraphs (b) through (g) apply to vessels operating in State waters.~~

(b) ~~Personal flotation devices (hereinafter referred to as PFDs) devices (PFDs) are shall be required as follows except as provided in Subparagraph (6) of this Paragraph: follows:~~

- (1) No person may operate a vessel unless at least one Type I, ~~II~~ II, or III PFD is on board and readily accessible for each person.
- (2) No person shall operate a vessel 16 feet or more in length unless one type IV PFD is on board and immediately available for use, in addition to the total number of PFDs required in Subparagraph (1) of this Paragraph.
- (3) No person shall operate a vessel while ~~such~~ the vessel is underway with any child under 13 years old aboard unless each ~~such~~ child is:
 - (A) wearing an appropriate PFD approved by the Coast Guard; ~~or~~
 - (B) below decks; or
 - (C) in an enclosed cabin.

This Subparagraph ~~does~~ shall not apply to a vessel that is registered as a commercial vessel.

- (4) A Type V PFD may be carried in lieu of any PFD required under Subparagraph (1) of this Paragraph provided:
 - (A) the approval label for the Type V PFD indicates that the device is approved for the activity for which the vessel is ~~used;~~ being used; or
 - (B) the Type V PFD is used in accordance with the requirements on the approval label and with the requirements in its owner's manual.
- (5) No person shall operate a vessel unless each required PFD is:
 - (A) in serviceable condition;
 - (B) of appropriate size and fit for the intended wearer;
 - (C) USCG United States Coast Guard approved; and
 - (D) legibly marked with its approval number, as specified in ~~CFR Title 46 Part 25 and CFR Title 33 Part 175~~ 46 CFR 25 Uninspected Vessels, Requirements and 33 CFR 175 Personal Flotation Devices.
- (6) ~~Exemptions:~~ Exemptions shall apply as follows:
 - (A) Canoes and kayaks 16 feet in length and over ~~are~~ shall be exempted from the requirements for carriage of the additional Type IV PFD as specified in Subparagraph (b)(2) of this Rule.
 - (B) Sailboards, surfboards, tubes, swimming rafts, inflatable ~~toys~~ toys, and similar devices routinely used as water toys or swimming aids ~~are~~ shall be exempted from the requirements for carriage of any ~~type~~ PFD required under this Paragraph.
 - (C) Manually propelled vessels such as racing shells, rowing sculls, racing ~~canoes~~ canoes, and racing kayaks that are recognized by national and international racing associations for use in competitive racing, that are not designed to carry any equipment not solely for competitive racing, and in which all occupants with the with exception of a coxswain, if one is ~~provided,~~ present, row, scull, or paddle, ~~are~~ shall be exempted from the requirements for carriage of any type PFD required under this Paragraph.

(c) Fire Extinguishers are required as follows:

- (1) All motorboats shall carry at least the minimum number of ~~USCG-approved~~ USCG-approved hand portable fire extinguishers specified in this Rule if the motorboat has any of the following: if any one of the following conditions exist:
 - (A) closed compartments under thwarts and seats wherein portable fuel tanks may be stored;
 - (B) double bottoms not sealed to the hull or which are not completely filled with flotation material;
 - (C) closed living spaces;
 - (D) closed stowage compartments in which combustible or flammable materials are stowed;
 - (E) permanently installed fuel tanks; or
 - (F) motorboats of Class 2 or longer.
- (2) ~~Motorboats of Class A and 1 (less than 26 feet):~~ Class A and Class 1 Motorboats less than 26 feet in length shall carry ~~One one~~ Type B-I extinguisher.
- (3) ~~Motorboats of Class 2~~ Class 2 Motorboats shall carry ~~Two two~~ Type B-I extinguishers.
- (4) ~~Motorboats of Class 3~~ Class 3 Motorboats shall carry ~~Three three~~ Type B-I extinguishers.
- (5) One Type B-II hand held fire extinguisher may be substituted for two B-I hand portable fire extinguishers. A fixed fire extinguishing system installed in the engine compartment ~~is~~ shall be deemed equal to one Type B-I hand portable fire extinguisher.

Exemption to fire extinguisher requirements: Open Vessels. Vessels less than 26 feet in length, propelled by outboard motors and not carrying passengers for hire, ~~need not~~ shall not be required to carry such portable fire extinguishers if the construction of ~~such motorboats~~ the vessels will not permit the entrapment of explosive or flammable gases or vapors.

(d) Every engine, except outboard motors, using gasoline as fuel and installed in a vessel ~~must~~ shall be equipped with an acceptable means of ~~backfire flame control. An acceptable means of~~ backfire flame control ~~must meet that meets~~ the requirements of ~~CFR Title 46 Part 25 and CFR Title 33 Part 175. 46 CFR 25 and 33 CFR 175.~~

(e) Every vessel, except ~~those open vessels~~ vessels, defined in Paragraph (c) of this Rule, using as fuel liquid of a volatile nature ~~as fuel,~~ shall be ~~provided with such means of properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as~~ be equipped with proper and efficient ventilation, as required by 46 CFR 25.40-1, to remove any explosive or flammable gases. gases from the bilges of the engine and fuel tank compartments that Proper and efficient ventilation meets the requirements of CFR Title 46 Part 25 and CFR Title 33 Part 175. 46 CFR 25 and 33 CFR 175.

(f) Sound Devices

- (1) Vessels ~~of less than 12 meters (39.4 feet)~~ less than 12 meters or 39.4 feet in length shall be equipped with some means of making an efficient sound signal; and
- (2) Vessels equal to or greater than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet in length shall be ~~provided~~ equipped with a whistle and a bell ~~which that~~ complies comply with 33 USC 2033.

(g) Lights. The lights prescribed by this Paragraph shall be exhibited from sunset to sunrise and in fog, mist, falling snow, heavy rainstorms, sandstorms, or any other similar circumstances of restricted visibility. They may be exhibited in all other circumstances when deemed necessary. During such times no other lights shall be exhibited, except ~~such lights as those that~~ cannot be mistaken for the lights specified in these ~~Rules or Rules,~~ do not impair their visibility or distinctive character, or ~~do not~~ interfere with keeping a proper lookout. ~~They may be exhibited in all other circumstances when deemed necessary:~~

- (1) Vessels equal to or greater than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet but less than ~~20 meters (65.6 feet)~~ 20 meters or 65.6 feet in length shall exhibit:
 - (A) A masthead light forward visible for three miles;
 - (B) Sidelights, green to starboard and red to ~~port~~ port, visible for two miles; and
 - (C) A stern light visible for two ~~miles;~~ miles.
- (2) Vessels less than ~~12 meters (39.4 feet)~~ 12 meters or 39.4 feet in length shall exhibit:
 - (A) An all-round white light visible for two miles; and
 - (B) Sidelights, green to starboard and red to ~~port~~ port, visible for 1 ~~mile;~~ mile.
- (3) Sailing vessels underway that are ~~seven meters (23 feet)~~ seven meters or 23 feet in length or greater shall exhibit:
 - (A) A stern light visible for two miles; and
 - (B) Sidelights, green to starboard and red to ~~port~~ port, visible for two ~~miles;~~ miles.

- (4) In a sailing vessel less than ~~20 meters~~ 20 meters or 65.6 feet in ~~length~~ length, the lights prescribed in Subparagraph (3) of this Paragraph may be combined in one lantern carried at or near the top of the mast where it can be best ~~seen~~; seen.
- (5) A sailing vessel of less than ~~seven meters (23 feet)~~ seven meters or 23 feet in length shall, if practicable, exhibit the lights prescribed in Subparagraph (3) or (4) of this Paragraph; if not practicable the vessel shall have ready at hand an electric torch or lighted lantern showing a white light ~~which that~~ shall be exhibited in sufficient time to prevent a ~~collision~~; collision.
- (6) A vessel under oars ~~may~~ shall ~~either~~ either:
- (A) exhibit the lights prescribed in Subparagraph (a)(5) of this Rule for sailing vessels; ~~but if not, it or~~
- (B) shall have ready at hand an electric torch or lighted lantern showing a white light ~~which that~~ shall be exhibited in sufficient time to prevent a ~~collision~~; collision.
- (7) ~~Vessels of 10 Horsepower or Less.~~ On public waters of ~~this State~~ not subject to the jurisdiction of the United States, vessels propelled by machinery of 10 horsepower or less, in lieu of the foregoing requirements, may carry from one-half hour after sunset to one-half hour before sunrise a white light in the stern or have on board a hand flashlight in good working condition which shall be ready at hand and shall be temporarily displayed in sufficient time to prevent collision. ~~On waters of this State that are subject to the jurisdiction of the United States, this exception, though permissible under state law, is not sanctioned by any federal law or regulation. The Subparagraph shall not apply to vessels in waters of this State that are subject to the jurisdiction of the United States.~~

History Note: Authority G.S. 75A-3; 75A-6; 113-307;
 Eff. February 1, 1976;
 Amended Eff. November 1, 2013; April 1, 2009; March 1, 2008; April 1, 1999; August 1, 1988; May 1, 1976;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.
 Amended Eff. October 1, 2018.

15A NCAC 10F .0202 ACCIDENT REPORTS

(a) "Boating Accident" Defined. For the purpose of this Regulation a "boating accident" means a collision, accident, casualty or occurrence involving a vessel or its equipment and resulting in damage by or to the vessel, its equipment, or other property; in injury or loss of life to any person; or in the disappearance of any person from a vessel under circumstances which indicate the possibility of death or injury. A "boating accident" includes, but is not limited to, capsizing, collision, foundering, flooding, fire, explosion and the disappearance of a vessel other than by theft.

~~(b)(a)~~ Federal Regulations Adopted. ~~As its regulations governing the reporting of~~ Reporting boating accidents and notification of death or disappearance of persons from vessels operating on the waters of this State, ~~the Wildlife Resources Commission incorporates by reference Subpart C of Part 173 of Title 33 of the Code of Federal Regulations, and includes subsequent amendments which will be published in the Federal Register. State shall be governed by 33 CFR 173 Subpart C, which is incorporated by reference including subsequent amendments and editions. These federal regulations can be found free of charge online at www.ecfr.gov.~~

~~(c)(b)~~ Use of Report. The accident reports required under Paragraph ~~(b)(a)~~ of this Rule shall be used in developing statistical data as to the causes and frequency of boating ~~accidents~~; accidents and in transmittal of information as required by G.S. 75A-12. Pursuant to G.S. 75A-11, ~~No~~ no such report shall be admissible as evidence.

History Note: Authority G.S. 75A-3; 75A-11; 113-307; 33 C.F.R. 174.101 et seq.;
 Eff. February 1, 1976;
 Amended Eff. November 1, 1999; August 1, 1988; May 1, 1976;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. December 6, 2016.
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