

# DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

## DIVISION OF FISH AND WILDLIFE

Statutory Authority: 23 Delaware Code, Section 2114 (23 Del.C. §2114)  
7 DE Admin. Code 3100

**FINAL**

**ORDER**

**3100 Boating**

**Secretary's Order No.: 2025-F-0036**

**RE: Approving Final Amendments to 7 DE Admin. Code 3100: *Boating***

**Date of Issuance: December 08, 2025**

**Effective Date of the Amendment: January 11, 2026**

Under the authority vested in the Secretary of the Department of Natural Resources and Environmental Control ("Department" or "DNREC"), pursuant to 23 *Del. C.* 2114, the Department's general authority as provided under 7 *Del. C.* Chapter 60, and all other relevant statutory authority, the following findings of fact based on the record, reasons and conclusions are entered as an Order of the Secretary in the above-referenced promulgation.

### **Background, Procedural History and Findings of Fact**

This Order relates to the Department's proposed regulatory amendments to 7 DE Admin. Code 3100: *Boating* ("Amendments"). The Department's Division of Fish and Wildlife ("DFW") is proposing to amend eight (8) sections of Delaware's existing Boating regulations. These Amendments pertain to the compliance and enforcement of all vessels used on Delaware's waterways. Specifically, Amendments are proposed within the following sections: 1.0 *General*; 2.0 *Definitions*; 3.0 *Vessel Registration & Numbering*; 4.0 *Casualty Reporting*; 5.0 *Water Skiing*; 6.0 *Vessel Speed*; 9.0 *Minimum Required Equipment*; and 10.0 *Boat Ramps & Parking Lots Administered by Division*.

In addition to the Amendments being proposed to the sections noted above, there are numerous clerical changes being made throughout the existing Boating regulations (i.e., updating formatting and style) to comply with the current *Delaware Administrative Code Drafting and Style Manual*. It should be noted that such changes are not substantive in nature and thus do not change the intent of the Department's existing regulations.

The Department's proposed Amendments serve to align Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and federal law. Specifically, the Amendments seek to raise the threshold for reportable accidents, introduce immediate notification requirements, establish no-wake buffer zones for emergency vehicles, and to update mandatory safety equipment standards. The Amendments also broaden prohibited areas for water skiing and clarify parking restrictions. Additionally, the Department has made clerical changes to clarify existing definitions, reduce ambiguity, update administrative criteria for boating registrations, and to modernize language to reflect current terminology, thus resulting in higher efficiency with DNREC's internal protocols, and a greater understanding of these regulations within the boating community. The Department notes that these Amendments are not anticipated to have a detectable impact on the environment, nor result in additional costs to the affected entities.

The following section of this Order provides a brief description of the Amendments proposed by the DFW, as published in the State of Delaware *Register of Regulations* on October 1, 2025:

#### **Section 1.0: General**

The proposed Amendments to Section 1.0 are needed to update the terminology regarding the Department's law enforcement personnel to reflect the official title of "Natural Resources Police officer." This change not only brings consistency in the terms used between the Department and Delaware's Administrative Code, but further serves to clarify the officer's jurisdiction, thus strengthening their authority in enforcement and compliance actions relating to these regulations.

#### **Section 2.0: Definitions**

The proposed Amendments within Section 2.0 are needed to bring the existing regulations into compliance with federal laws, clarify multiple safety-related definitions, and to add new definitions. Specifically, the proposed Amendments to Section 2.0 will (1) introduce new terms, such as "Docking facility," "ECOS," "ECOS Link," "Throwable PFD," "Underway," "Vessel," and "Wearable PFD"; (2) replace "Enforcement officer" with "Natural Resources Police officer"; and (3) clarify the definition for "State of Principle Use."

#### **Section 3.0: Vessel Registration & Numbering**

The proposed Amendments within Section 3.0 are needed to modernize vessel registration requirements and align Delaware's registration process with federal standards. Specifically, the proposed Amendments to Section 3.0 will (1) remove the application requirement for a social security number and replace it with alternative owner identifiers such as the owner's tax identification number, or their date of birth in tandem with their driver's license number or other unique

number; (2) remove the size dimensions for the Certificate of Number (“CON”) and replace it with “pocket-sized”; (3) add that the CON must be in a hard copy or digital format; (4) add terms to identify the use of the vessel (“commercial operation,” “charter fishing,” and “documented”); (5) add terms to identify the type of the vessel’s hull (“rubber/vinyl/canvas”); (6) add terms to identify vessel type (“air boat,” “auxiliary sail,” “cabin motorboat,” “houseboat,” “inflatable boat,” “open motorboat,” “paddle craft,” “personal watercraft,” “pontoon boat,” “rowboat,” “sail only,” and “other”); (7) add terms to identify the propulsion type (“air thrust,” “manual,” “propeller,” “sail,” “water jet,” and “other”); (8) add terms to identify the drive type (“inboard,” “outboard,” “pod drive,” “sterndrive,” and “other”); (9) add terms to identify fuel type (“gas” and “electric”); and (10) replace outdated references to “Enforcement officer” with “Natural Resources Police officer.”

#### **Section 4.0: Casualty Reporting**

The proposed Amendments within Section 4.0 are needed to align the existing regulations with federal reporting requirements and to enhance public safety on Delaware waterways. Specifically, the proposed Amendments to Section 4.0 will (1) increase the reporting damage threshold from five-hundred U.S. dollars (\$500) to two-thousand U.S. dollars (\$2,000); (2) add a requirement to immediately notify the Natural Resources Police in the event that a vessel causes property damage and the property owner cannot be immediately located; and (3) replace outdated division names/agent titles with “Natural Resources Police” or “Natural Resources Police officer.”

#### **Section 5.0: Water Skiing**

The proposed Amendments within Section 5.0 are needed to reduce collisions, property damage, and injury in high-traffic waterways. This will be accomplished by adding the Chesapeake and Delaware Canal to the list of areas prohibited for water skiing.

#### **Section 6.0: Vessel Speed**

The proposed Amendments within Section 6.0 are needed to improve safety conditions for first responders to reduce potential wake-related damage or accidents. This will be accomplished by adding a slow-no-wake requirement when within one hundred (100) feet of any law enforcement or other emergency vessel with emergency lights activated.

#### **Section 9.0: Minimum Required Equipment**

The proposed Amendments within Section 9.0 are needed to modernize the safety equipment standards to align the existing regulation with United States Coast Guard requirements. Specifically, the proposed Amendments to Section 9.0 will (1) add an engine cut-off switch (“ECOS”) requirement for all vessels under twenty-six (26) feet in length that are capable of developing one-hundred and fifteen (115) pounds of thrust or three (3) horsepower while on plane or above a slow-no-wake-speed, unless the operator is wearing an ECOS link; (2) include an exception for enclosed-helm vessels and older vessels not originally equipped with ECOS; (3) clarify requirements for portable and semi-portable fire extinguishers onboard a vessel; (4) explain how a semi-portable extinguisher must be fitted to cover the area of concern; (5) address other types of fire extinguishers that may be carried onboard as excess equipment; (6) simplify terminology for Personal Flotation Devices (“PFD”) by replacing Types I-V with the new terms, “wearable” and “throwable”; (7) update the old typing codes for fire extinguishers with the current manufacturer’s terms; and (8) replace outdated references to “enforcement officer” with “Natural Resources Police officer.”

It should be noted that clerical error was discovered in Subsection 9.4 of the proposed Amendments by Department staff subsequent to their publication in the October 1, 2025, edition of the *Register of Regulations*. That error, which was non-substantive in nature, was corrected by the Department and then fully vetted to the public at the time of the public hearing on October 22, 2025. The *revised* proposed Amendments, which are now being adopted as final Amendments, reflect this correction.

#### **Section 10.0: Boat Ramps & Parking Lots Administered by Division**

The proposed Amendments to Section 10.0 are needed to clarify parking regulations for Division-owned properties. Specifically, the proposed Amendments to Section 10.0 will (1) add the term “vessel” to the list of equipment that cannot be left unattended in a Division-owned parking lot in excess of forty-eight (48) hours without contacting the Natural Resources Police; (2) replace “boat trailer” with “trailer”; and (3) replace outdated division names/agent titles with “Natural Resources Police” or “Natural Resources Police officer.”

The Department has the statutory basis and legal authority to promulgate the above proposed Amendments, pursuant to 23 *Del.C.* §2114, and the general authority provided to the Department under 7 *Del.C.* Ch. 60. All notification and noticing requirements concerning this matter were met by the Department. Proper notice of the hearing was provided as required by law.

Department staff, as well as members of the public, attended the public hearing held on October 22, 2025. Pursuant to 29 *Del.C.* §10118(a), the Record remained open for receipt of public comment through November 7, 2025, however, no comments were received by the Department at any time throughout the course of this regulatory promulgation. Thereafter, Hearing Officer Lisa A. Vest prepared her Hearing Officer’s Report (“Report”) dated December 2, 2025. The Report expressly incorporated into the Record the *revised* proposed Amendments, attached thereto as Appendix “A.” Furthermore, the Report set forth the procedural history, summarized and established the Record, and provided findings of fact, reasons and conclusions that recommend the adoption of the *revised* proposed Amendments as final.

## **Reasons and Conclusions**

Currently pending before the Department are the *revised* proposed Amendments to 7 DE Admin. Code 3100, *Boating*. As noted previously, the Department believes the additional *revisions* made to the proposed Amendments during the post-hearing phase of this promulgation, which are non-substantive in nature, provide further understanding and clarity to the regulated community in this matter, and are non-substantive in nature. Thus, no additional publication or public hearing is necessary in this matter.

Based on the Record developed in this matter, I find and conclude that the Department has provided appropriate reasoning regarding the need for the *revised* proposed Amendments. I also find that the *revised* proposed Amendments comply with all applicable federal and state laws and regulations, and that the same are in accordance with the safety procedures outlined by the United States Coast Guard, pursuant to 23 *Del.C.* § 2114. Accordingly, I recommend promulgation of the *revised* proposed Amendments to 7 DE Admin. Code 3100: *Boating*, in the customary manner provided by law.

Further, the following reasons and conclusions are hereby entered:

1. The Department has the statutory basis and legal authority to act with regard to the *revised* proposed Amendments to 7 DE Admin. Code 3100: *Boating*, pursuant to 23 *Del.C.* §2114;
2. The Department has jurisdiction under its statutory authority, pursuant to 7 *Del. C.* Ch. 60, to issue an Order adopting the *revised* proposed Amendments as final;
3. The Department provided adequate public notice of the proposed Amendments and all proceedings in a manner required by the law and regulations, and provided the public with an adequate opportunity to comment on the same, including at the time of the virtual public hearing held on October 22, 2025, and during the days subsequent to the public hearing (through November 7, 2025), before making any final decision;
4. Promulgation of the *revised* proposed Amendments will enable the Department to align Delaware's boating safety measures in accordance with the safety procedures outlined by the United States Coast Guard and all applicable state and federal laws, improve efficiency within the agency, and provide a greater understanding of these regulations to the boating community;
5. The Department has reviewed the *revised* proposed Amendments in the light of the *Regulatory Flexibility Act*, consistent with 29 *Del.C.* Ch. 104, and believes the same to be lawful, feasible, and desirable, that it will not establish substantive additional costs for individuals or small businesses, and that the recommendations as proposed should be applicable to all Delaware individuals or small businesses equally;
6. Further, the Department has reviewed this *revised* proposed regulatory promulgation in the light of 7 *Del.C.* §10003 and 29 *Del.C.* §10118(b)(3), and has determined that conducting such an assessment regarding the impact of this regulation on the achievement of the State of Delaware's greenhouse gas emissions reduction targets is not practical;
7. The Department's Hearing Officer's Report, including its established Record and the recommended proposed Amendments as set forth in Appendix "A" therein, are hereby adopted to provide additional reasons and findings for this Order;
8. The Department's proposed Amendments, as published in the October 1, 2025, *Delaware Register of Regulations*, then *revised* to correct clerical error and fully vetted as such at the public hearing held on October 22, 2025, are adequately supported, are not arbitrary or capricious, and are consistent with the applicable laws and regulations. Consequently, they should be approved as final Amendments, to go into effect ten (10) days after their publication in the next available issue of the *Delaware Register of Regulations*;
9. The Department has an adequate Record of its decision, and no further public hearing is appropriate or necessary;
10. The Department shall submit this Order approving the *revised* proposed Amendments as final Amendments to the *Delaware Register of Regulations* for publication in its next available issue, and provide such other notice as the law and regulation require, as the Department determines is appropriate; and
11. The Department shall serve and publish its Order on its internet site.

Gregory Patterson  
Secretary

## 3100 Boating

### 1.0 General

(Formerly BR-1)

(Penalty Section [23 Del.C. §2125](#))

#### 1.1 Code of Federal Regulations.

~~These regulations reference~~ This regulation references provisions from the Code of Federal Regulations (CFR), ~~revised as of July 1, 1997, and October 1, 1996, last amended July 2, 2025,~~ for U.S.C. Titles 33 and 46, respectively.

#### 1.2 Application of Regulations.

Unless otherwise specified, ~~these regulations~~ this regulation shall apply to all vessels used on the waters of this State.

#### 1.3 Obedience to Orders by ~~Enforcement~~ Natural Resources Police Officers.

It shall be a violation of ~~this regulation~~ Section 1.0 for a person to willfully fail or refuse to comply with any lawful order or direction of an ~~enforcement~~ Natural Resources Police officer invested by law with authority to enforce ~~these regulations~~ this regulation.

**1 DE Reg. 1772 (5/1/98)**

### 2.0 Definitions.

(Formerly BR-2)

#### 2.1 ~~For purposes of 3.0 through 12.0, the following words and phrases shall have the meaning ascribed to them unless the context clearly indicates otherwise:~~ The following words and terms, when used in this regulation, have the following meaning:

**"All-round light"** ~~shall mean~~ means a light showing an unbroken light over an arc of the horizon of 360 degrees.

**"Boat"** ~~shall mean~~ means any vessel (a) manufactured or used primarily for noncommercial use; (b) leased, rented, or chartered to another for the latter's noncommercial use; or (c) engaged in the carrying of 6 or fewer passengers for hire.

**"Coast Guard Approved"** ~~shall mean~~ approved means that the equipment has been determined to be in compliance with Coast Guard specifications and regulations relating to the materials, construction, and performance.

**"Commercial Hybrid** ~~hybrid~~ hybrid PFD" ~~shall mean~~ means a hybrid PFD approved for use on commercial vessels identified on the PFD label.

**"Division"** ~~shall mean~~ means the Division of Fish and Wildlife.

**"Docking facility"** means a place where vessels may be secured to a fixed or floating structure or to the shoreline or shoreline structure.

**"~~Enforcement~~ Natural Resources Police officer"** ~~shall mean~~ means a sworn member of a police force or other law-enforcement agency of this State or of any county or municipality who is responsible for the prevention and the detection of crime and the enforcement of the laws of this State or other governmental units within the State.

**"ECOS"** means an engine cut-off switch which is a safety device installed on a vessel that immediately stops the engine when activated, typically by disconnecting the operator's link.

**"ECOS Link"** means an engine cut-off switch link which is a physical or wireless connection used to attach the operator to the engine cut-off switch installed on the vessel.

**"~~Especially Hazardous Condition~~"** ~~shall mean~~ hazardous condition means a condition which endangers the life of a person on board a vessel.

**"First Aid"** ~~shall mean~~ aid means emergency care and treatment of an injured person before definitive medical and surgical management can be secured.

**"Issuing Authority"** ~~shall mean~~ authority means a state where a numbering system for vessels has been approved by the Coast Guard or the Coast Guard where a numbering system has not been approved. Issuing authorities are listed in Appendix A.

**"Masthead Light"** ~~shall mean~~ light means a white light placed over the fore and aft centerline of a vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side of the vessel, except that on a vessel of less than 12 meters (39.4 ft.) in length the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

**"Motorboat"** ~~shall mean~~ means any vessel 65 feet (19.8 m) in length or less equipped with propulsion machinery, including steam.

**"Motor Vessel"** ~~shall mean~~ vessel means any vessel more than 65 feet (19.8 m) in length propelled by machinery other than steam.

**"Navigable Channel"** shall mean channel means a channel plotted on a National Oceanic and Atmospheric Administration nautical chart or a channel marked with buoys, lights, beacons, ranges, or other markers by the Coast Guard or with Coast Guard approval.

**"Negligent"** shall mean means the omission to do something which a reasonable person, guided by those ordinary considerations which ordinarily regulate human affairs, would do, or the doing of something which a reasonable and prudent person would not do.

**"Open Boat"** shall mean boat means a motorboat or motor vessel with all engine and fuel tank compartments, and other spaces to which explosive or flammable gases and vapors from these compartments may flow, open to the atmosphere and so arranged as to prevent the entrapment of such gases and vapors within the vessel.

**"Operate"** shall mean means to navigate or otherwise use.

**"Operator"** shall mean means that person who is in control or in charge of the vessel while the vessel is in use operation.

**"Owner"** shall mean means a person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him/her that person to such possession.

**"Passenger for Hire"** shall mean hire means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

**"Personal Flotation Device"** shall mean a device that is approved by the Commandant of the Coast Guard pursuant to 46 CFR Part 160.

**"PFD"** shall mean means a personal flotation device that is approved by the Commandant under 46 CFR part 160.

**"Racing Shell, Rowing Scull, Racing Canoe or Racing Kayak shell, rowing scull, racing canoe or racing kayak"** shall mean means a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

**"Recreational Vessel"** shall mean vessel means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's ~~noncommercial~~ latter's noncommercial use. It does not include a vessel engaged in the carrying of 6 or fewer passengers for hire.

**"Restricted Visibility"** shall mean visibility means any condition in which visibility is restricted by fog, mist, falling snow, heavy rainstorms, or any other similar causes.

**"Ship Lifeboat"** shall mean lifeboat means a lifeboat carried aboard a vessel and used exclusively for lifesaving purposes.

**"Sidelights"** shall mean means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a vessel of less than 20 meters (65.6 ft.) in length, the sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel, except that on a vessel of less than 12 meters (39.4 ft.) in length the sidelights when combined in one lantern shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

**"Slow-No-Wake"** shall mean "Slow-no-wake" means as slow as possible without losing steerage way and so as to make the least possible wake. (~~This almost always means speeds of less than 5 miles per hour.~~)

**"Special Flashing Light"** shall mean flashing light means a yellow light flashing at regular intervals at a frequency of 50 to 70 flashes per minute, placed as far forward and as nearly as practicable on the fore and aft centerline of the tow and showing an unbroken light over an arc of the horizon of not less than 180 degrees nor more than 225 degrees and so fixed as to show the light from right ahead to abeam and no more than 22.5 degrees abaft the beam on either side of the vessel.

**"State of Principal Use"** shall mean a state on whose waters a vessel is used or to be used most during a calendar year. ~~It shall mean this State if the vessel is to be used, docked, or stowed on the waters of this State for over 60 consecutive days.~~ principal operation means the state in whose waters a vessel is or will be operated most during the calendar year.

**"Sternlight"** shall mean means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel

**"Throwable PFD"** means a PFD that is intended to be thrown to a person in the water. A PFD marked as Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

**"Towing Light"** shall mean light means a yellow light having the same characteristics as the sternlight.

**"Type I PFD"** shall mean means any Coast Guard approved wearable device designed to turn most unconscious wearers in the water from a face down position to a vertical and slightly backward position. The Type I PFD

has the greatest required buoyancy: the adult size provides at least 22 pounds buoyancy, and the child size provides at least 11 pounds buoyancy.

**"Type II PFD"** shall ~~mean~~means any Coast Guard approved wearable device designed to turn some unconscious wearers from a face-down position to a vertical and slightly backward position. An adult size device provides at least 15.5 pounds buoyancy, the medium child size provides at least 11 pounds, and the infant and small child sizes provide at least 7 pounds buoyancy.

**"Type III PFD"** shall ~~mean~~means any Coast Guard approved wearable device designed to maintain conscious wearers in a vertical and slightly backward position. While the Type III PFD has the same minimum buoyancy as the Type II PFD, it has little or no turning ability.

**"Type IV PFD"** shall ~~mean~~means any Coast Guard approved device designed to be thrown to a person in the water and grasped and held by such person until rescued. It is not designed to be worn. Type IV devices, which include buoyant cushions, ring buoys, and horseshoe buoys, are designed to have at least 16.5 pounds buoyancy.

**"Type V PFD"** shall ~~mean~~means any Coast Guard approved wearable device designed for a specific and restricted use. The label on the PFD indicates the kinds of activities for which the PFD may be used and whether there are limitations on how it may be used.

**"Type V hybrid PFD"** shall ~~mean~~means any Coast Guard approved wearable device designed to give additional buoyancy by inflating an air chamber. When inflated it turns the wearer similar to the action provided by a Type I, II, or III PFD (the type of performance is indicated on the label). The exact specification and performance of the PFD will vary somewhat with each device.

**"Underway"** means that a vessel is not at anchor, or made fast to shore, or aground.

**"Use"** shall ~~mean~~means to operate, navigate, or employ.

**"Vessel"** means every description of watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, but does not include aircraft.

**"Water skiing"** shall ~~include~~includes any activity whereby a person is towed behind or alongside a vessel.

**"Wearable PFD"** means a PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type (I, II, or II) performance is considered a wearable PFD.

1 DE Reg. 1772 (5/1/98)

2 DE Reg. 1880 (4/1/99)

### 3.0 Registration, Numbering, and Marking of Vessels

(Formerly BR-3)

(Penalty Section 23 ~~Del.C.~~ §2125)

#### 3.1 Applicability.

~~This regulation~~Section 3.0 shall apply to all vessels propelled by any form of mechanical power, including electric trolling motors, used or placed on the waters of this State, except the following:

3.1.1 Foreign vessels temporarily using such waters;

3.1.2 Military or public vessels of the United States, except recreational-type public vessels;

3.1.3 A vessel whose owner is a state or subdivision thereof, other than this State, which is used principally for governmental purposes, and which is clearly identifiable as such;

3.1.4 A vessel used exclusively as a boat docking facility, ~~as defined in 3.24 of this regulation~~, or a ship's lifeboat; and

3.1.5 Vessels which have been issued valid marine documents by the Coast Guard.

#### 3.2 Vessel Number Required.

3.2.1 Except as provided in subsection 3.3 of this regulation, no person shall use or place on the waters of this State a vessel to which ~~this regulation~~Section 3.0 applies unless:

3.2.1.1 It has a number issued on a certificate of number by this State; and

3.2.1.2 The number is displayed as described in subsection 3.8 of this regulation.

3.2.2 ~~This regulation shall not~~Section 3.0 may not apply to a vessel for which a valid temporary certificate has been issued to its owner by the issuing authority in the state in which the vessel is principally used~~operated~~.

#### 3.3 Reciprocity.

3.3.1 When the ~~state of principal use~~state of principle operation is a state other than this State and the vessel is properly numbered by that state, the vessel shall be deemed in compliance with the numbering system requirements of this State in which it is temporarily used.

3.3.2 When this State becomes the state of principal use for a vessel numbered by another state, the vessel's current number shall be recognized as valid for a period of 60 consecutive days ~~before numbering is required by this State~~following which time the vessel must be numbered in this State.

#### 3.4 Other Numbers and Letters Prohibited.

- No person shall use a vessel to which ~~this regulation~~ Section 3.0 applies that has any letters or numbers that are not issued by an issuing authority for that vessel on its forward half.
- 3.5 Certificate of Number Required (Registration Card).
- 3.5.1 Except as provided in subsection 3.3 of ~~this regulation~~, no person shall use a vessel to which ~~this regulation~~ Section 3.0 applies unless it has on board:
- 3.5.1.1 A valid certificate of number or temporary certificate for that vessel issued by this State; or
- 3.5.1.2 For rental vessels described in subsection 3.5.2 of ~~this section~~, a copy of the lease or rental agreement, signed by the owner or the owner's authorized representative and by the person leasing or renting the vessel, that contains at least:
- 3.5.1.2.1 The vessel number that appears on the certificate of number; and
- 3.5.1.2.2 The period of time for which the vessel is leased or rented.
- 3.5.2 The certificate of number for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use for less than 24 hours may be retained on shore by the vessel's owner or representative at the place from which the vessel departs or returns to the possession of the owner or the owner's representative.
- 3.6 Inspection of Certificate.
- Each person using a vessel to which ~~this regulation~~ Section 3.0 applies shall present the certificate of number, lease, or rental agreement required by subsection 3.5 of ~~this regulation~~ to any ~~enforcement~~ Natural Resources Police officer for inspection at the officer's request.
- 3.7 Location of Certificate of Number.
- No person shall use a vessel to which ~~this regulation~~ Section 3.0 applies unless the certificate of number, lease, or rental agreement required by subsection 3.5 of ~~this regulation~~ is carried on board in such a manner that it can be handed to a person authorized under ~~Section 6~~ of ~~this regulation~~ subsection 3.6 to inspect it.
- 3.8 Numbers: Display; Size; Color.
- 3.8.1 Each number required by subsection 3.2 of ~~this regulation~~ shall:
- 3.8.1.1 Be painted on or permanently attached to each side of the forward half of the vessel, except as allowed by subsection 3.8.2 or required by subsection 3.8.3 of ~~this section~~;
- 3.8.1.2 Be in plain vertical block characters of not less than 3 inches in height;
- 3.8.1.3 Contrast with the color of the background and be distinctly visible and legible;
- 3.8.1.4 Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: DL 5678 D or DL-5678-D); and
- 3.8.1.5 Read from left to right.
- 3.8.2 When a vessel is used by a manufacturer or by a dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel.
- 3.8.3 On vessels so configured that a number on the hull or superstructure would not be easily visible, the number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the number is visible from each side of the vessel.
- 3.8.4 Expired validation decals shall be removed and only effective decals shall be displayed.
- 3.9 Notification of Issuing Authority.
- The person whose name appears as the owner of a vessel on a certificate of number shall, within 15 days, notify the Division of:
- 3.9.1 Any change in ~~said~~ that person's address;
- 3.9.2 The theft or recovery of the vessel;
- 3.9.3 The loss or destruction of a valid certificate of number;
- 3.9.4 The transfer of all or part of ~~said~~ that person's interest in the vessel; and
- 3.9.5 The destruction or abandonment of the vessel.
- 3.10 Revocation, Cancellation or Suspension of Certificate of Number; Notice.
- 3.10.1 The Division may revoke, cancel or suspend the certificate of number if it is determined by the Division that the certificate of number was issued unlawfully or erroneously.
- 3.10.2 The Division may revoke, cancel or suspend the certificate of number for any vessel which is determined by the Division to be unsafe or unfit for use as a means of transportation on water.
- 3.10.3 Whenever the Division revokes, cancels or suspends the certificate of number for a vessel, the Division shall immediately notify the owner and afford the owner an opportunity for a hearing before the Division.
- 3.11 Removal of Number and Validation Decal.
- The person whose name appears on a certificate of number as the owner of a vessel shall remove the number and validation sticker from the vessel when:
- 3.11.1 The vessel is documented by the Coast Guard;
- 3.11.2 The certificate of number is invalid under ~~Section 14(b)(4) or (c)~~ of ~~this regulation~~ subsection 3.14; or
- 3.11.3 This State is no longer the ~~state of principal use~~ state of principle operation.

3.12 Application for Certificate of Number.

3.12.1 Any person who is the owner of a vessel to which subsection 3.12 of this regulation applies may apply for a certificate of number for that vessel by submitting the following to the Division or a licensing agent:

3.12.1.1 The application prescribed by the Division;

3.12.1.2 The fee required by of [23 Del.C. §2113\(a\)](#); and

3.12.1.3 Proof of ownership as required by subsection 3.22 of this regulation.

3.12.2 Notwithstanding subsection 3.12.1 of this section, before the Division or a licensing agent issues or renews a certificate of number for a homemade vessel, a photograph of such vessel shall be filed with the Division and the Division, upon receipt of such photograph, may, upon reasonable cause, inspect the vessel to determine if it is safe and fit to be used as a means of transportation on water. In the event a homemade vessel is determined to be unsafe or unfit, the certificate of number ~~shall not~~may not be issued or renewed until an endorsement is secured from the Division that such vessel is safe and fit.

3.13 Duplicate Certificate of Number.

If a certificate of number is lost or destroyed, the person whose name appears on the certificate as the owner may apply for a duplicate certificate by submitting the following to the Division or a licensing agent:

3.13.1 The application prescribed by the Division; and

3.13.2 The fee required by [23 Del.C. §2113\(b\)](#).

3.14 Validity of Certificate of Number; Surrender of Certificate of Number.

3.14.1 Except as provided in subsections 3.14.2, 3.14.3, 3.14.4 and 3.14.5 of this section, a certificate of number is valid until the date of expiration prescribed by this State.

3.14.2 A certificate of number issued by this State is invalid after the date upon which:

3.14.2.1 The vessel is documented or required to be documented;

3.14.2.2 The person whose name appears on the certificate of number as owner of the vessel transfers all of ~~his/her~~the owner's ownership in the vessel;

3.14.2.3 The vessel is destroyed or abandoned; or

3.14.2.4 The Division revokes, cancels or suspends the certificate of number.

3.14.3 A certificate of number issued by this State is invalid if:

3.14.3.1 The application for the certificate of number contains a false or fraudulent statement; or

3.14.3.2 The fees for the issuance of the certificate of number are not paid.

3.14.4 A certificate of number is invalid 60 days after the day on which another state becomes the ~~state of principal use~~state of principle operation.

3.14.5 A certificate of number is invalid when the person whose name appears on the certificate involuntarily loses ~~his/her~~the owner's interest in the numbered vessel by legal process.

3.14.6 The person whose name appears as the owner of a vessel on a certificate of number shall surrender the certificate to the Division or a licensing agent within 15 days after it becomes invalid under subsections 3.14.2, 3.14.3, 3.14.4 or 3.14.5 of this section.

3.15 Validation Stickers.

3.15.1 No person shall use a vessel that has a number issued by this State unless a validation sticker was issued with the certificate of number and the sticker:

3.15.1.1 Is displayed within 6 inches of the number; and

3.15.1.2 Meets the requirements in subsections 3.15.2 and 3.15.3 of this section.

3.15.2 Validation stickers shall be approximately 3 inches square.

3.15.3 The year in which each validation sticker expires shall be indicated by the colors, blue, international orange, green, and red, in rotation beginning with green for stickers that expired in 1975 (see Appendix B).

3.16 Contents of Application for Certificate of Number.

3.16.1 Each application for a certificate of number shall contain the following information:

3.16.1.1 Name of each owner;

3.16.1.2 Address of at least one owner, or the address of the principle place of business of an owner that is not an individual, including zip code;

3.16.1.3 Mailing address, if different from the address required by subsection 3.16.1.2 of this section;

3.16.1.4 Date of birth of the owner;

3.16.1.5 Citizenship of the owner;

3.16.1.6 State in which vessel is or will be principally ~~used~~operated;

3.16.1.7 The number previously issued by an issuing authority for the vessel, if any;

3.16.1.8 Expiration date of certificate of number issued by the issuing authority;

3.16.1.9 Official number assigned by the Coast Guard, if applicable;

3.16.1.10 Whether the application is for a new number, renewal of a number, or transfer of ownership;

- 3.16.1.11 Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, ~~or other commercial use;~~ operation, charter fishing, or documented;
  - 3.16.1.12 Make of vessel or name of vessel builder, if known;
  - 3.16.1.13 Year vessel was manufactured or built, or model year, if known;
  - 3.16.1.14 Manufacturer's hull identification number, if any;
  - 3.16.1.15 Overall length of vessel;
  - 3.16.1.16 Whether the hull is wood, steel, aluminum, fiberglass, plastic, rubber/vinyl/canvas, or other;
  - 3.16.1.17 Type of vessel (~~open, cabin, house, etc.~~); (air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddle craft, personal watercraft, pontoon boat, rowboat, sail only, or other);
  - 3.16.1.18 Whether the propulsion is ~~inboard, outboard, inboard-outdrive, jet, or sail with auxiliary engine;~~ air thrust, manual, propeller, sail, water jet, or other;
  - 3.16.1.19 Whether the engine drive type is inboard, outboard, pod drive, sterndrive, or other;
  - ~~3.16.1.193.16.1.20~~ 16.1.20 Whether the fuel is ~~gasoline~~gas, diesel, electric, or other;
  - ~~3.16.1.203.16.1.21~~ 16.1.21 Social security number, or, if that number is not available, the owner's driver's license number (if the owner is other than an individual, the owner's taxpayer identification number, social security number, or driver's license number); Owner identifier, which must be the owner's tax identification number, date of birth together with driver's license number, or date of birth together with other unique number; and
  - ~~3.16.1.213.16.1.22~~ 16.1.22 The signature of the owner.
- 3.16.2 An application made by a manufacturer or dealer for a number that is to be temporarily affixed to a vessel for demonstration or test purposes may omit items subsections 3.16.1.13 through ~~3.16.1.20 of 3.16.1 of this section~~3.16.1.21.
- 3.17 Contents of a Certificate of Number.
- 3.17.1 Except as allowed in subsection 3.17.2 ~~of this section,~~ each certificate of number shall contain the following information:
- 3.17.1.1 Number issued to the vessel;
  - 3.17.1.2 Expiration date of the certificate;
  - 3.17.1.3 State of principal ~~use;~~ operation;
  - 3.17.1.4 Name of the owner;
  - 3.17.1.5 Address of the owner, including zip code;
  - 3.17.1.6 Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial ~~use;~~ operation, or charter fishing;
  - 3.17.1.7 Manufacturer's hull identification number (or the hull identification number issued by the Division), if any;
  - 3.17.1.8 Make of vessel;
  - 3.17.1.9 Year vessel was manufactured;
  - 3.17.1.10 Overall length of vessel;
  - 3.17.1.11 Whether the vessel is an ~~open boat, cabin cruiser, houseboat, etc.~~; air boat, auxiliary sail, cabin motorboat, houseboat, inflatable boat, open motorboat, paddlecraft, personal watercraft, pontoon boat, rowboat, sail only, or other;
  - 3.17.1.12 Whether the hull is wood, steel, aluminum, fiberglass, plastic, rubber/vinyl/canvas, or other;
  - 3.17.1.13 Whether the propulsion is ~~inboard, outboard, inboard-outdrive, jet, or sail with auxiliary engine;~~ air thrust, manual, propeller, sail, water jet, or other;
  - ~~3.17.1.14~~ 3.17.1.14 Whether the engine drive type is inboard, outboard, pod drive, sterndrive, or other;
  - ~~3.17.1.143.17.1.15~~ 17.1.15 Whether the fuel is ~~gasoline~~gas, diesel, electric or other; and
  - ~~3.17.1.153.17.1.16~~ 17.1.16 A quotation of the State regulations pertaining to change of ownership or address, documentation, loss, destruction, abandonment, theft or recovery of vessel, carriage of the certificate of number on board when the vessel is in use, rendering aid in a boat accident, and reporting of vessel casualties and accidents.
- 3.17.2 A certificate of number issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit items subsections 3.17.1.7 through ~~3.17.1.14 of this section~~3.17.1.14, if the word "manufacturer" or "dealer" is plainly marked on the certificate.
- 3.18 Contents of Temporary Certificate.
- A temporary certificate issued pending the issuance of a certificate of number shall contain the following information:
- ~~3.18.1~~ 3.18.1 Vessel's hull identification number, if any;
  - ~~3.18.13.18.2~~ 18.2 Make of vessel;
  - ~~3.18.23.18.3~~ 18.3 Length of vessel;

- ~~3.18.33.18.4~~ Type of propulsion;
- ~~3.18.43.18.5~~ State in which vessel is principally used;operated;
- ~~3.18.53.18.6~~ Name of owner;
- ~~3.18.63.18.7~~ Address of owner, including zip code;
- ~~3.18.73.18.8~~ Signature of owner;
- ~~3.18.83.18.9~~ Date of issuance; and
- ~~3.18.93.18.10~~ Notice to the owner that the temporary certificate is invalid after 60 days from the date of issuance.

3.19 Form of Number.

3.19.1 Each number shall consist of the ~~two~~2 capital letters "DL" denoting this State as the issuing authority, followed by:

- 3.19.1.1 Not more than ~~four~~4 numerals followed by not more than two capital letters (example: DL 1234 BD); or
- 3.19.1.2 Not more than ~~three~~3 numerals followed by not more than three capital letters (example: DL 567 EFG).

3.19.2 A number suffix shall ~~not~~may not include the letters "I", "O", or "Q," which may be mistaken for numerals.

3.20 Size of Certificate of Number.

Each certificate of number shall be ~~2½ by 3½ inches~~must be in hard copy or digital form. Any certificates issued in hard copy under subsection 3.20 must be pocketsized.

3.21 Terms and Conditions for Vessel Numbering.

Except for a recreational-type public vessel of the United States, the State shall condition the issuance of a certificate of number on title to, the original manufacturer's or importer's statement or certificate of origin, copy of notarized bill of sale, or other proof of ownership of a vessel.

3.22 Boat Registration Records.

- 3.22.1 All valid records shall be filed alphabetically by the last names of owners and numerically by "DL" registration numbers;
- 3.22.2 Invalid records shall be maintained for three years at which time they shall be destroyed.

3.23 Licensing Agents.

3.23.1 Pursuant to of **23 Del.C. §2113A(a)**, the Division may authorize as many qualified persons as licensing agents as it deems necessary to effectuate the efficient distribution of boat registrations. All new licensing agents shall be engaged in both retail sales and repairs of boats as a prerequisite for the issuance of boat registrations.

3.23.2 In reviewing applications from persons engaged in both retail sales and repairs of boats to issue boat registrations, the Division may consider the following factors:

- 3.23.2.1 The location of the applicant, particularly in relation to other licensing agents;
- 3.23.2.2 The number of new and unused boats sold annually by the applicant;
- 3.23.2.3 The number of used boats sold annually by the applicant;
- 3.23.2.4 The extent to which the applicant advertises the sale and repair of boats;
- 3.23.2.5 The extent to which the applicant is engaged in the repair of boats;
- 3.23.2.6 The criminal history of the applicant; and
- 3.23.2.7 Such other factors as the Division deems appropriate.

3.24 Boat Docking Facilities.

3.24.1 If a vessel to which ~~this regulation~~Section 3.0 applies is used as a boat docking facility, the owner shall contact the Division of Water Resources to determine whether subaqueous lands authorization will also be required. ~~The term "boat docking facility" shall mean a place where vessels may be secured to a fixed or floating structure or to the shoreline or shoreline structure.~~

**1 DE Reg. 1772 (5/1/98)**

**2 DE Reg. 1880 (4/1/99)**

## 4.0 Casualty Reporting System Requirements

(Formerly BR-4)

(Penalty Section ~~23 Del.C. §2125~~)

4.1 Administration.

The casualty reporting system of this State shall be administered by the Boating Law Administrator who shall:

- 4.1.1 Provide for the reporting of all casualties and accidents required by subsection 4.2 of this regulation;
- 4.1.2 Receive reports of vessel casualties or accidents prescribed by subsection 4.3 of this regulation;
- 4.1.3 Review accident and casualty reports to assure accuracy and completeness of reporting; and
- 4.1.4 Determine the cause of casualties and accidents reported.

4.2 Report of Casualty or Accident.

- 4.2.1 The operator of a vessel shall submit the casualty or accident report prescribed in 33 CFR § 173.57 to the reporting authority prescribed in ~~4.4 of this regulation~~subsection 4.4, when, as a result of an occurrence that involves the vessel or its equipment:
- 4.2.1.1 A person dies;
  - 4.2.1.2 A person is injured and requires medical treatment beyond first aid;
  - 4.2.1.3 Damage to the vessel and other property totals more than ~~\$500.00~~\$2,000; or
  - 4.2.1.4 A person disappears from the vessel under circumstances that indicate death or injury.
- 4.2.2 A report required by ~~this section~~Section 4.0 shall be made:
- 4.2.2.1 Immediately if a person dies within 24 hours of the occurrence;
  - 4.2.2.2 Immediately if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and
  - 4.2.2.3 Within 5 days of the occurrence or death if an earlier report is not required by ~~this subsection~~ 4.2.2.
- 4.2.3 When the operator of a vessel cannot submit the casualty or accident report required by subsection 4.2.1 of ~~this section~~, the owner shall submit the casualty or accident report.
- 4.2.4 The accident or casualty report completed by a ~~Fish and Wildlife Agent~~Natural Resources Police Officer may be substituted to meet the requirements of ~~this section~~Section 4.0.

#### 4.3 Casualty or Accident Report.

Each report required by ~~Section 2.0 of this regulation~~ subsection 4.2 shall be in writing, dated upon completion, and signed by the person who prepared it and shall contain, if available, the information about the casualty or accident required by the Coast Guard pursuant to 33 CFR §173.57.

#### 4.4 Where to Report.

The report required by subsection 4.2 of ~~this regulation~~ shall be submitted to the Boating Law Administrator, Department of Natural Resources and Environmental Control, ~~Division of Fish and Wildlife~~Natural Resources Police 89 Kings Highway, Dover, Delaware 19901.

#### 4.5 Immediate Notification of Death, Disappearance, or Physical Injury.

- 4.5.1 When, as a result of an occurrence that involves a vessel or its equipment, a person dies or disappears from a vessel or sustains an injury requiring more than first aid, the operator shall, without delay, by the quickest means available, notify the ~~Division of Fish and Wildlife Enforcement Section~~Natural Resources Police, Telephone: 302-739-4580 or 1-800-523-3336, of:
- 4.5.1.1 The date, time, and exact location of the occurrence;
  - 4.5.1.2 The name of each person who died, disappeared, or sustained an injury;
  - 4.5.1.3 The number and name of the vessel; and
  - 4.5.1.4 The names and addresses of the owner and operator.

4.5.2 When the operator of a vessel cannot give the notice required by subsection 4.5.1 of ~~this section~~, at least one of the persons on board shall notify the ~~Division of Fish and Wildlife Enforcement Section~~Natural Resources Police, Telephone: 302-739-4580 or 1-800-523 -3336, or determine that the notice has been given.

#### 4.6 Rendering of Assistance in Accidents. The operator of a vessel involved in an accident shall:

- 4.6.1 Render necessary assistance to each individual affected to save that affected individual from danger caused by the accident, so far as the operator can do so without serious danger to the operator's or individual's vessel or to individuals on board; and
- 4.6.2 Give the operator's name and address and identification of the vessel to the operator or individual in charge of any other vessel involved in the accident, to any individual injured, and to the owner of any property damaged. In the event the person sustaining any property damage cannot be located at the place where the damage occurred, then the operator shall, without delay, by the quickest means available, notify the Natural Resources Police, Telephone: 302-739-4580 or 1-800-523-3336.

### 1 DE Reg. 1772 (5/1/98)

## 5.0 Water Skiing

(Formerly BR-5)

(Penalty Section 23 ~~Del.C.~~ §2125)

### 5.1 Water Skiing.

- 5.1.1 No person shall operate a vessel on any waters of this State for purposes of towing a person on water skis unless there is in such vessel a competent person, in addition to the operator, in a position to observe the progress of the person being towed. The observer shall be considered competent if ~~he/she~~the person can, in fact, observe the person being towed and relay any signals from the person being towed to the operator. ~~This subsection shall not~~ Subsection 5.1.1 may not apply to Class A vessels operated by the person being towed and designed to be incapable of carrying the operator in or on the vessel.

- 5.1.2 No person shall engage in water skiing unless such person is wearing a ~~Type I, Type II, Type III, or Type V~~ wearable PFD. This provision ~~shall not~~ may not apply to a performer engaged in a professional exhibition or a person preparing to participate or participating in an official regatta, boat race, marine parade, tournament, or exhibition.
  - 5.1.3 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged on any waters of this State with a tow line that exceeds 75 feet.
  - 5.1.4 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged on any waters of this State on which water skiing is prohibited.
  - 5.1.5 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged between sunset and sunrise.
  - 5.1.6 The operator of a vessel towing a water skier shall comply with all laws and regulations as they pertain to the individual's class of vessel and shall maneuver the vessel in a careful and prudent manner, so as not to interfere with other vessels or obstruct any channel or normal shipping lane, and maintain reasonable distance from persons and property, so as not to endanger the life or property of any person.
  - 5.1.7 No person shall engage in water skiing in such a manner as to strike or threaten to strike any person, vessel, or property, and no person shall operate a vessel or manipulate a tow line or other towing device in such a manner as to cause a water skier to strike or threaten to strike another person, vessel, or property.
  - 5.1.8 No person shall engage in water skiing and no person shall operate a vessel towing a person so engaged within ~~one hundred (100)~~ 100 feet of any person in the water, a pier, dock, float, wharf, or vessel anchored or adrift, or in any direction of boat launching ramps, both public and private.
- 5.2 Prohibited Water Skiing Areas.
- 5.2.1 Water skiing shall be prohibited in the following areas:
    - 5.2.1.1 The Rehoboth-Lewes Canal, in its entirety;
    - 5.2.1.2 The channel through Masseys Landing from Buoy No. 12 off Bluff Point to Buoy No. 19A;
    - 5.2.1.3 The Assawoman Canal, in its entirety;
    - 5.2.1.4 The Indian River Inlet between Buoy No. 1 and the Coast Guard Station;
    - 5.2.1.5 Roosevelt Inlet from 100 yards off jetty entrance to the Canal;
    - 5.2.1.6 White Creek south of Marker No. 9A; ~~and~~
    - 5.2.1.7 Chesapeake and Delaware Canal from the Delaware River to the Maryland state line; and
    - 5.2.1.7.5, 2.1.8 Any marked swimming areas, unless authorized by a special permit issued by the Department of Natural Resources and Environmental Control.

**1 DE Reg. 1772 (5/1/98)**

**6.0 Vessel Speed**

(Formerly BR-6)

(Penalty Section 23 Del.C. §2125)

6.1 Safe Boat Speed.

- 6.1.1 Every vessel operator shall at all times proceed at a safe speed ~~so that she can in order to~~ take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances and conditions.
- 6.1.2 The speed of all vessels on the waters of this State ~~shall~~ must be limited to a ~~Slow-No-Wake~~ low-no-wake speed when within 100 feet of:
  - 6.1.2.1 Any shoreline where "Slow-No-Wake" signs have been erected by the Department of Natural Resources and Environmental Control;
  - 6.1.2.2 Floats;
  - 6.1.2.3 Docks;
  - 6.1.2.4 Launching ramps;
  - 6.1.2.5 Marked swimming areas;
  - 6.1.2.6 Swimmers; ~~or~~
  - 6.1.2.7 Anchored, moored, ~~or drifting vessels~~ vessels; ~~or~~
  - 6.1.2.8 Any law enforcement or other emergency vessel with its emergency lights activated.
- 6.1.3 No person shall operate a vessel at a rate of speed greater than is reasonable having regard to conditions and circumstances such as the closeness of the shore and shore installations, anchored or moored vessels in the vicinity, width of the channel, and if applicable, vessel traffic and water use.

6.2 Responsibility of Operator.

The operator of any vessel on the waters of this State shall be legally responsible for injuries, damages to life, limb, or property caused by ~~his/her~~ that person's vessel or vessel wake.

**1 DE Reg. 1772 (5/1/98)**

## 7.0 Negligent Operation of a Vessel

(Formerly BR-7)

(Penalty Section 23 ~~Del.C.~~ §2125)

### 7.1 Negligent Operation.

7.1.1 No person shall operate any vessel on the waters of this State in a negligent manner.

7.1.2 The following actions shall constitute a violation of subsection 7.1.2 of this section ~~7.1.1~~:

- 7.1.2.1 Failure to reduce speed in areas where boating is concentrated, endangering life, limb, and/or ~~error~~ property;
- 7.1.2.2 Operating at excessive speed at times of restricted visibility;
- 7.1.2.3 Operating at excessive speed when maneuvering room is restricted by narrow channels or when vision is obstructed by such things as jetties, land, or other vessels;
- 7.1.2.4 Impeding the right-of-way of a stand-on or privileged vessel so as to endanger risk of collision;
- 7.1.2.5 Towing a water skier in a restricted area or where an obstruction exists;
- 7.1.2.6 Operating a vessel within swimming areas when bathers are present;
- 7.1.2.7 Operating a vessel in areas posted as closed to vessels due to hazardous conditions;
- 7.1.2.8 Operating a vessel through an area where a regatta or marine parade is in progress in a way that could present a hazard to participants or spectators and interfere with the safe conduct of the event;
- 7.1.2.9 Operating a vessel with any person sitting on the bow, gunwales, or stern with legs hanging over the side, except a sailboat equipped with lifelines while engaged in a race for which a permit has been secured under of **23 Del.C. §2120**;
- 7.1.2.10 Operating a vessel or use any water skis while under the influence of alcohol, any narcotic drug, barbiturate, marijuana, or hallucinogen;
- 7.1.2.11 Loading a vessel with passengers or cargo beyond its safe carrying capacity;
- 7.1.2.12 Operating a vessel with an engine of a higher horsepower rating than the rating noted on the vessel's capacity plate or in the manufacturer's specifications; and
- 7.1.2.13 Other actions deemed by an ~~enforcement~~ Natural Resources Police officer to be in violation of subsection 7.1.1 of this section.

**1 DE Reg. 1772 (5/1/98)**

**2 DE Reg. 1880 (4/1/99)**

## 8.0 Termination of Unsafe Use of a Vessel

(Formerly BR-8)

(Penalty Section 23 ~~Del.C.~~ §2125)

### 8.1 Especially Hazardous Conditions.

Especially hazardous conditions warranting termination of voyage shall include, ~~but not be limited to~~:

- 8.1.1 Insufficient number of Coast Guard approved PFDs;
- 8.1.2 Insufficient fire-extinguishing equipment;
- 8.1.3 Overloaded beyond manufacturer's recommended safe loading capacity;
- 8.1.4 Failure to display required navigation lights;
- 8.1.5 Fuel leakage from either the fuel system or engine;
- 8.1.6 Fuel accumulation in the bilges;
- 8.1.7 Failure to meet ventilation requirements for tank and engine spaces;
- 8.1.8 Improper backfire flame control;
- 8.1.9 Excessive leakage or accumulation of water in bilges;
- 8.1.10 Deteriorated condition of vessel; or
- 8.1.11 Any other condition deemed hazardous by an ~~enforcement~~ Natural Resources Police officer.

### 8.2 Enforcement.

- 8.2.1 ~~Enforcement~~ Natural Resources Police officers shall, if a violation of ~~this regulation~~ Section 8.0 is observed, and in their judgment such a deficiency creates an especially hazardous condition to the occupants of the vessel, direct the operator to take specific steps to correct the unsafe condition.
- 8.2.2 Compliance by operator. - Immediate compliance by the operator is required for safety purposes. Failure to comply with the directives of an ~~enforcement~~ Natural Resources Police officer shall result in a citation under subsection 1.3 as well as for the specific violation which created the unsafe condition.

**1 DE Reg. 1772 (5/1/98)**

## 9.0 Minimum Required Equipment for Vessels Using State Waters (Formerly BR-9)

(Penalty Section 23 ~~Del.C.~~ §2125)

### 9.1 General.

- 9.1.1 Applicability.

- 9.1.1.1 This regulation ~~Section 9.0~~ does not apply to:
- 9.1.1.1.1 Military or public vessels of the United States, other than recreational-type public vessels; and
- 9.1.1.1.2 A vessel used exclusively as a ship's lifeboat.
- 9.1.1.2 ~~Subsection 9.2.1 of this regulation~~ prescribes general provisions applicable to all vessels covered by ~~this regulation~~ Section 9.0. ~~Section~~ Subsection 9.3 prescribes minimum required equipment for recreational vessels used on the waters of this State. ~~Section~~ Subsection 9.4 prescribes minimum required equipment for vessels other than recreational vessels that are not required to be documented.

9.2 Provisions Applicable to All Vessels Covered by ~~this Regulation~~ Section 9.0.

9.2.1 Fire-Extinguishing Equipment.

- 9.2.1.1 All hand portable fire extinguishers, semiportable fire extinguishing systems, and fixed fire extinguishing systems shall be Coast Guard approved pursuant to 46 CFR §25.30-5.
- 9.2.1.2 ~~All required hand portable fire extinguishers and semiportable fire extinguishing systems shall be of the "B" type; i.e., suitable for extinguishing fires involving flammable liquids such as gasoline, oil, etc., where a blanketing or smothering effect is essential. The number designations for size will start with "I" for the smallest to "V" for the largest. For the purpose of this regulation, only sizes I through III will be considered. Sizes I and II are considered hand portable fire extinguishers and sizes III, IV, and V are considered semiportable fire extinguishing systems which shall be fitted with suitable hose and nozzle or other practicable means so that all portions of the space concerned may be covered. Examples of size graduations for some of the typical hand portable fire extinguishers and semiportable fire extinguishing systems are set forth in the following table:~~

Table 4:

Type	Size	FOAM (Gallons)	CO2 (Pounds)	DRY CHEMICAL (POUNDS)	HALON (Pounds)
B	I	1¼	4	2	2½
B	II	2½	15	10	10
B	III	12	35	20	-

- 9.2.1.3 ~~All hand portable fire extinguishers and semiportable fire extinguishing systems shall have permanently attached thereto a metallic name plate giving the name of the item, the rated capacity in gallons, quarts, or pounds, the name and address of the person or firm for whom approved, and the identifying mark of the actual manufacturer.~~

9.2.1.2 All portable and semi-portable fire extinguishers must:

- 9.2.1.2.1 Be on board and readily accessible;
- 9.2.1.2.2 Be of an approved type;
- 9.2.1.2.3 Not be expired or appear to have been previously used; and
- 9.2.1.2.4 Be maintained in good and serviceable working condition, measure if the extinguisher has a pressure gauge reading or indicator it must be in the operable range or position; the lock pin is firmly in place; the discharge nozzle is clean and free of obstruction; and the extinguisher does not show visible signs of significant corrosion or damage.

- 9.2.1.4 ~~9.2.1.3~~ Vaporizing-liquid type fire extinguishers containing carbon tetrachloride or chlorobromomethane or other toxic vaporing liquids are not acceptable as equipment required by this part.

- 9.2.1.5 ~~9.2.1.4~~ Hand portable or semiportable extinguishers which are required on their name plates to be protected from freezing shall ~~not~~ may not be located where freezing temperatures may be expected.

- 9.2.1.6 ~~9.2.1.5~~ The use of dry chemical, stored pressure, fire extinguishers not fitted with pressure gauges or indicating devices, manufactured prior to January 1, 1965, may be permitted on motorboats and other vessels so long as such extinguishers are maintained in good and

serviceable condition. The following maintenance and inspections are required for such extinguishers:

- ~~9.2.1.6.19.2.1.5.1~~ When the date on the inspection record tag on the extinguisher shows that 6 months have elapsed since last weight check ashore, then such extinguisher is no longer accepted as meeting required maintenance conditions until reweighed ashore and found to be in a serviceable condition and within required weight conditions;
- ~~9.2.1.6.29.2.1.5.2~~ If the weight of the container is  $\frac{1}{4}$  ounce less than that stamped on the container, it shall be serviced;
- ~~9.2.1.6.39.2.1.5.3~~ If the outer seal or seals (which indicate tampering or use when broken) are not intact, ~~an enforcement~~ a Natural Resources Police officer may inspect such extinguisher to see that the frangible disc in the neck of the container is intact; and if such disc is not intact, the container shall be serviced; and
- ~~9.2.1.6.49.2.1.5.4~~ If there is evidence of damage, use, or leakage, such as dry chemical powder observed in the nozzle or elsewhere on the extinguisher, the container shall be replaced with a new one and the extinguisher shall be properly serviced or the extinguisher shall be replaced with another approved extinguisher.
- ~~9.2.1.7~~ Fire extinguishers shall be at all times kept in a condition for immediate and effective use, and shall be so placed as to be readily accessible.
- ~~9.2.1.6~~ Dry chemical extinguishers, stored pressure extinguishers, and fire extinguishers without pressure gauges or indicating devices, manufactured after January 1, 1965, cannot be labeled with the marine type label described in 46 CFR §162.028-4. These extinguishers manufactured after January 1, 1965, may be carried onboard recreational vessels as excess equipment.
- ~~9.2.1.7~~ Semi-portable extinguishers must be fitted with a suitable hose and nozzle, or other practicable means, so that all portions of the space concerned may be covered.
- 9.2.2 Backfire Flame Control.
  - 9.2.2.1 Applicability. - ~~This section~~ Subsection 9.2.2 applies to every gasoline engine installed in a motorboat or motor vessel after April 25, 1940, except outboard motors.
  - 9.2.2.2 Installations made before November 19, 1952, need not meet the detailed requirements of this ~~sections~~ subsection 9.2.2 and may be continued in use as long as they are serviceable and in good condition. Replacements shall meet the applicable requirements of this ~~sections~~ subsection 9.2.2.
  - 9.2.2.3 Installations consisting of backfire flame arrestors or engine air and fuel induction systems bearing basic Approval. Nos. 162.015 or 162.041 or engine air and fuel induction systems bearing basic Approval Nos. 162.015 or 162.042, may be continued in use as long as they are serviceable and in good condition. New installations or replacements shall meet the applicable requirements of this ~~sections~~ subsection 9.2.2.
  - 9.2.2.4 No person may use a vessel to which this ~~sections~~ subsection 9.2.2 applies unless each engine is provided with an acceptable means of backfire flame control. The following are acceptable means of backfire flame control:
    - 9.2.2.4.1 A backfire flame arrestor complying with Society of Automotive Engineers (SAE) Standard J-1928 or Underwriters Laboratories (UL) Standard 1111 and marked accordingly. The flame arrestor shall be suitably secured to the air intake with a flame tight connection;
    - 9.2.2.4.2 An engine air and fuel induction system which provides adequate protection from propagation of backfire flame to the atmosphere equivalent to that provided by an approved backfire flame arrestor. A gasoline engine utilizing an air and fuel induction system, and operated without an approved backfire flame arrestor, shall either include a reed valve assembly or be installed in accordance with SAE Standard J-1928; and
    - 9.2.2.4.3 An arrangement of the carburetor or engine air induction system that will disperse any flames caused by engine backfire. The flames must be dispersed to the atmosphere outside the vessel in such a manner that the flames will not endanger the vessel, persons on board, or nearby vessels and structures. Flame dispersion may be achieved by attachments to the carburetor or location of the engine air induction system. All attachments shall be of metallic construction with flametight connections and firmly secured to withstand vibration, shock, and engine backfire.
  - 9.2.2.5 No person may use a vessel to which this ~~sections~~ subsection 9.2.2 applies unless the backfire flame arrestor is serviceable and in good condition.
- 9.2.3 Ventilation.
  - 9.2.3.1 Applicability. - ~~This section~~ Subsection 9.2.3 applies to motorboats, motor vessels, and boats used on the waters of this State and subject to this ~~regulation~~ Section 9.0.
  - 9.2.3.2 No person shall operate a motorboat or motor vessel, except an open boat, built after April 25, 1940, and before August 1, 1980, which uses fuel having a flash point of 110°F, or less, without

every engine and fuel tank compartment being equipped with a natural ventilation system. A natural ventilation system consists of:

- 9.2.3.2.1 At least ~~two~~<sup>2</sup> ventilator ducts, fitted with cowls or their equivalent, for the efficient removal of explosive or flammable gases from the bilges of every engine and fuel tank compartment;
- 9.2.3.2.2 At least one exhaust duct installed so as to extend from the open atmosphere to the lower portion of the bilge and at least ~~one~~<sup>1</sup> intake duct that is installed to extend to a point at least midway to the bilge or at least below the level of the carburetor air intake; and
- 9.2.3.2.3 The cowls shall be located and trimmed for maximum effectiveness and in such a manner so as to prevent displaced fumes from being recirculated.
- 9.2.3.3 Boats built after July 31, 1978, shall be exempt from the requirements of subsection 9.2.3.1, ~~of this section~~ for fuel tank compartments that:
  - 9.2.3.3.1 Contain a permanently installed fuel tank if each electrical component is ignition protected in accordance with 33 CFR § 183.410(a); and
  - 9.4.1.3.2 Contain fuel tanks that vent to the outside of the motorboat or motor vessel.
- 9.2.3.4 Boats built after July 31, 1980, or which are in compliance with the Coast Guard Ventilation Standard, a manufacturer requirement (33 CFR §§183.610 and 183.620), shall be exempt from the requirements of subsections 9.2.3.2 and 9.2.3.4 ~~of this section~~.
- 9.2.3.5 No person shall operate a boat after July 31, 1980, that has a gasoline engine for electrical generation, mechanical power or propulsion unless it is equipped with an operable ventilation system that meets the requirements of 33 CFR §§ 183.610(a), (b), (d), (e) and (f) and ~~183.620(a)~~<sup>183.620(a)</sup>.
- 9.2.3.6 Boat owners shall maintain their boats' ventilation systems in good operating condition (regardless of the boat's date of manufacture).
- 9.2.4 Whistles and Bells.
  - 9.2.4.1 A vessel of 12 meters (39.4 ft.) or more in length shall be equipped with a whistle and a bell. The whistle and bell shall comply with the specifications in Annex III to the Inland Navigation Rules (33 CFR Part 86). The bell may be replaced by other equipment having the same respective sound characteristics, provided that manual sounding of the prescribed signals shall always be possible.
  - 9.2.4.2 A vessel of less than 12 meters (39.4 ft.) in length shall be equipped with a whistle or horn, or some other sounding device capable of making an efficient sound signal.
- 9.2.5 Visual Distress Signals.
  - 9.2.5.1 Applicability. - ~~This section~~Subsection 9.2.5 applies to all boats operated on the coastal waters of this State and those waters connected directly to them (i.e., bays, sounds, harbors, rivers, inlets, etc.) where any entrance exceeds 2 nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to 2 miles.
  - 9.2.5.2 Prohibition. - Unless exempted by ~~subsection 4.2.3 of this section~~subsection 9.2.5.3, no person may use a boat to which ~~this section~~subsection 9.2.5 applies unless visual distress signals, approved by the Commandant of the Coast Guard under 46 CFR Part 160 or certified by the manufacturer under 46 CFR Parts 160 and 161, in the number required, are on board. Devices suitable for day use and devices suitable for night use, or devices suitable for both day and night use, shall be carried.
  - 9.2.5.3 Exemptions. - The following boats shall be exempt from the carriage requirements of subsection 9.2.5.2 ~~of this section~~ between sunrise and sunset, but between sunset and sunrise, visual distress signals suitable for night use, in the number required, shall be on board:
    - 9.2.5.3.1 Boats less than 16 feet in length;
    - 9.2.5.3.2 Boats participating in organized events such as races, regattas, or marine parades;
    - 9.2.5.3.3 Open sailboats less than 26 feet in length not equipped with propulsion machinery; and
    - 9.2.5.3.4 Manually propelled boats.
  - 9.2.5.4 Launchers. - When a visual distress signal carried to meet the requirements of ~~this section~~subsection 9.2.5 requires a launcher to activate, then a launcher approved by the Coast Guard under 46 CFR §160.028 shall also be carried. Launchers manufactured before January 1, 1981, which do not have approval numbers are acceptable for use with meteor or parachute signals as long as they remain in serviceable condition.
  - 9.2.5.5 Visual distress signals accepted. - Any of the following signals when carried in the number required, can be used to meet the requirements of ~~this section~~subsection 9.2.5:
    - 9.2.5.5.1 An electric distress light meeting the standards of 46 CFR §161.013. One is required to meet the night only requirement;
    - 9.2.5.5.2 An orange flag meeting the standards of 46 CFR §160.072. One is required to meet the day only requirement;
  - 9.2.5.6 Pyrotechnics meeting the standards noted in the following table:

~~<sup>1</sup>9.2.5.6.1~~ Must have manufacture date of October 1980 or later.

~~<sup>2</sup>9.2.5.6.2~~ These signals require use in combination with a suitable launching device.

~~<sup>3</sup>9.2.5.6.3~~ These devices may be either meteor or parachute assisted type. Some of these signals may require use in combination with a suitable launching device.

9.2.5.7 Any combination of signal devices selected from the types noted in paragraphs 9.2.5.5.1, subsections 9.2.5.5.1 and 9.2.5.5.2 and ~~9.2.5.5.3~~ of this section, when carried in the number required, may be used to meet both day and night requirements. (The following illustrates the variety and combination of devices which can be carried to meet both day and night requirements: ~~three~~<sup>3</sup> hand-held red flares; ~~one~~<sup>1</sup> hand-held red flare and ~~two~~<sup>2</sup> parachute flares; or three hand-held orange smoke signals with one electric distress light.)

9.2.5.8 Stowage, serviceability, ~~approval~~<sup>approval</sup>, and marking. - No person may use a boat unless the visual distress signals required by ~~this section~~<sup>subsection 9.2.5</sup> are:

9.2.5.8.1 Readily accessible;

9.2.5.8.2 In serviceable condition and the service life of the signal, if indicated by a date marked on the signal, has not expired;

9.2.5.8.3 Legibly marked with the approval number or certification statement as specified in 46 CFR Parts 160 and 161; and

9.2.5.8.4 ~~In sufficient~~<sup>In sufficient</sup> quantity as required by the Coast Guard.

9.2.5.9 Prohibited use. - No person in a boat shall display a visual distress signal on waters to which ~~this section~~<sup>subsection 9.2.5</sup> applies under any circumstance except a situation where assistance is needed because of immediate or potential danger to the persons on board.

### 9.3 Minimum Required Equipment for Recreational-Type Vessels.

#### 9.3.1 Personal Flotation Devices: ~~(PFD)~~.

9.3.1.1 Except as provided in subsection 9.3.2 of this part, no person may use a recreational vessel unless at least one wearable PFD of the following types is on board for each person:

9.3.1.1.1 ~~Type I PFD;~~ Each PFD is used in accordance with any requirements on the approval label; and

9.3.1.1.2 ~~Type II PFD; or~~ Each PFD is used in accordance with any requirements in its owner's manual, if the approval label makes reference to such a manual.

~~9.3.1.1.3 Type III PFD.~~

9.3.1.2 No person may use a recreational vessel 16 feet or more in length unless one ~~Type IV PFD~~<sup>throwable PFD</sup> is on board in addition to the total number of wearable PFDs required in subsection 9.3.1.1 of this section.

~~9.3.1.3 A Type V PFD may be carried in lieu of any PFD required under 9.3.1.1 and 9.3.1.2 of this section, provided:~~

~~9.3.1.3.1 The approval label on the Type V PFD indicates that the device is approved:~~

~~9.3.1.3.1.1 For the activity in which the vessel is being used; or~~

~~9.3.1.3.1.2 As a substitute for a PFD of the Type required in the vessel in use;~~

~~9.3.1.3.2 The PFD is used in accordance with any requirements on the approval label; and~~

~~9.3.1.3.3 The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.~~

~~9.3.1.4~~<sup>9.3.1.3</sup> A ~~Type V~~<sup>hybrid</sup> wearable PFD may satisfy the carriage requirements provided it is worn except when the boat is not underway or when the user is below deck.

#### 9.3.2 Exceptions

9.3.2.1 Canoes and kayaks 16 feet in length and over are exempted from the requirements for carriage of the additional ~~Type IV~~<sup>throwable</sup> PFD required under subsection 9.3.1.2 of this part.

9.3.2.2 Racing shells, rowing sculls, racing canoes and racing kayaks are exempted from the requirements for carriage of any ~~Type~~ PFD required under subsection 9.3.1 of this part.

9.3.2.3 Sailboards are exempted from the requirements for carriage of any ~~Type~~ PFD required under subsection 9.3.1 of this part.

#### 9.3.3 Stowage, Condition, and Marking of PFDs.

9.3.3.1 No person may use a recreational vessel unless each ~~Type I, II, or III~~<sup>wearable</sup> PFD required by 9.3.1.1 of this part, or equivalent ~~Type~~<sup>allowed by 9.3.1.3</sup> of this part, subsection 9.3.1.1 is readily accessible.

9.3.3.2 No person may use a recreational vessel unless each ~~Type IV~~<sup>throwable</sup> PFD required by subsection 9.3.1.2 of this part, or equivalent ~~Type~~<sup>allowed by 9.3.1.3</sup> of this part, is immediately available.

9.3.3.3 No person may use a recreational vessel unless each PFD required by subsection 9.3.2.3 of this part or allowed by subsection 9.3.1.2 of this part is:

9.3.3.3.1 In serviceable condition, as defined by 33 CFR §175.23;

9.3.3.3.2 Of an appropriate size and fit for the intended wearer, as marked on the approval label; and

9.3.3.3.3 Legibly marked with its Coast Guard approval number, as specified in 46 CFR Part 160.

#### 9.3.4 Fire-Extinguishing Equipment Required.

9.3.4.1 Motorboats less than 26 feet in length with no fixed fire extinguishing system installed in machinery spaces shall carry at least ~~one Type B-I1 20-B~~ approved hand portable fire extinguisher. When an approved fixed fire extinguishing system is installed in machinery spaces, a portable extinguisher is not required. If the construction of the motorboat does not permit the entrapment of explosive or flammable gases or vapors, no fire extinguisher is required.

~~9.3.4.2~~ 9.3.4.2 Motorboats 26 feet to less than 40 feet in length shall carry at least ~~two Type B-I2 5-B~~ approved hand portable fire extinguishers or at least ~~one Type B-II1 20-B~~ approved portable fire extinguisher. When an approved fixed fire extinguishing system is installed, ~~one-1 less Type B-I5-B~~ B extinguisher is required.

9.3.4.3 Motorboats 40 feet to not more than 65 feet in length shall carry at least ~~three Type B-I3 5-B~~ approved hand portable fire extinguishers or at least ~~one Type B-I1 5-B~~ and ~~one Type B-II1 20-B~~ approved portable fire extinguisher. When an approved fixed fire extinguishing system is installed, ~~one-1 less Type B-I5-B~~ extinguisher is required.

9.3.4.4 Motorboats 65 feet and over used for recreational purposes shall carry fire extinguishing equipment as prescribed under subsection 9.4.3.2 of this regulation.

9.3.4.5 Motorboats are required to carry fire extinguishers if any ~~one-1~~ of the following conditions exist:

~~9.3.4.5.1~~ 9.3.4.5.1 Inboard engines;

~~9.3.4.5.2~~ 9.3.4.5.2 Closed compartments and compartments under thwarts and seats wherein portable fuel tanks may be stored;

~~9.3.4.5.3~~ 9.3.4.5.3 Double bottoms not sealed to the hull or which are not completely filled with flotation material;

~~9.3.4.5.4~~ 9.3.4.5.4 Closed living spaces;

~~9.3.4.5.5~~ 9.3.4.5.5 Closed stowage compartments in which combustible or flammable materials are stowed; or

~~9.3.4.5.6~~ 9.3.4.5.6 Permanently installed fuel tanks. (Fuel tanks secured so they cannot be moved in case of fire or other emergency are considered permanently installed.)

9.3.4.6 Motorboats contracted for prior to November 19, 1952, shall meet the applicable provisions of this section subsection 9.3.4 insofar as the number and general type of equipment is concerned. Existing items of equipment and installations previously approved but not meeting the applicable requirements for type approval may be continued in service so long as they are in good condition. All new installations and replacements shall meet the requirements of this section subsection 9.3.4.

#### 9.4 Engine cut-off switch (ECOS).

No person shall operate a vessel less than 26 feet in length, and capable of developing 115 pounds of [trust thrust] or 3 horsepower, while on plane or above a slow-no-wake speed unless the operator is wearing an ECOS link.

This regulation may not apply if the main helm of the vessel is installed [with and within an] enclosed cabin; or the vessel or outboard engine was manufactured prior to 2020 and was not equipped with an ECOS.

#### 9.4.5 Life-Saving Equipment for Commercial Vessels not Documented.

~~9.4.5.1~~ 9.4.5.1 Applicability. This part applies to each vessel to which ~~this regulation~~ Section 9.0 applies except:

~~9.4.5.1.1~~ 9.4.5.1.1 Vessels used for noncommercial use;

~~9.4.5.1.2~~ 9.4.5.1.2 Vessels leased, rented, or chartered to another for the latter's noncommercial use; or

~~9.4.5.1.3~~ 9.4.5.1.3 Commercial vessels propelled by sail not carrying passengers for hire; or

~~9.4.5.1.4~~ 9.4.5.1.4 Commercial barges not carrying passengers for hire.

~~9.4.5.2~~ 9.4.5.2 Life Preservers and Other Life-Saving Equipment Required.

~~9.4.5.2.1~~ 9.4.5.2.1 No person may operate a vessel to which ~~Section 9.4.1~~ subsection 9.5.1 of this part applies unless it meets the requirements of ~~this section~~ Section 9.0.

~~9.4.5.2.2~~ 9.4.5.2.2 Each vessel not carrying passengers for hire, less than 40 feet in length, shall have at least ~~one-1~~ life preserver (Type I PFD), buoyant vest (Type II PFD), or marine buoyant device intended to be worn (Type III PFD), of a suitable size for each person on board. Kapok and fibrous glass life preservers which do not have plastic-covered pad inserts as required by 46 CFR §§ 160.062 and 160.005 are not acceptable as equipment required by ~~this subsection~~ subsection 9.5.2.2.

~~9.4.5.2.3~~ 9.4.5.2.3 Each vessel carrying passengers for hire and each vessel 40 feet in length or longer not carrying passengers for hire shall have at least ~~one-1~~ life preserver (Type I PFD) of a suitable size for each person on board. Kapok and fibrous glass life preservers which do not have plastic-

covered pad inserts as required by 46 CFR §§ 160.062 and 160.005 are not acceptable as equipment required by ~~this subsection~~ subsection 9.5.2.3.

~~9.4.2.49.5.2.4~~ In addition to the equipment required by ~~9.4.2.2 subsections 9.5.2.2 or 9.4.2.3 of this section~~ 9.5.2.3, each vessel 26 feet in length or longer shall have at least ~~one~~ 1 Coast Guard approved ring life buoy.

~~9.4.2.59.5.2.5~~ Each vessel not carrying passengers for hire may substitute an exposure suit (or immersion suit) for a life preserver, buoyant vest, or marine buoyant device required under ~~9.4.2.2 subsections 9.5.2.2 or 9.4.2.3 of this section~~ 9.5.2.3. Each exposure suit carried in accordance with this paragraph shall be Coast Guard approved.

~~9.4.2.69.5.2.6~~ On each vessel, regardless of length and regardless of whether carrying passengers for hire, a commercial hybrid PFD may be substituted for a life preserver, buoyant vest, or marine buoyant device required under ~~9.4.2.2 subsections 9.5.2.2 or 9.4.2.3 of this section~~ 9.5.2.3, if it is:

~~9.4.2.6.19.5.2.6.1~~ In the case of a Type V commercial hybrid PFD, worn when the vessel is underway and the intended wearer is not within an enclosed space;

~~9.4.2.6.29.5.2.6.2~~ Used in accordance with the conditions marked on the PFD and in the owner's manual; and

~~9.4.2.6.39.5.2.6.3~~ Labeled for use on uninspected commercial vessels.

~~9.4.2.79.5.2.7~~ The life-saving equipment required by ~~this section~~ subsection 9.5 shall be legibly marked.

~~9.4.2.89.5.2.8~~ The life-saving equipment designed to be worn required in ~~9.4.2.2, subsections 9.5.2.2, 9.4.2.3, 9.5.2.3, and 9.4.2.4 of this section~~ 9.5.2.4, shall be readily accessible.

~~9.4.2.89.5.2.9~~ The life-saving equipment designed to be thrown required by ~~9.4.2.4 of this section~~ subsection 9.5.2.4, shall be immediately available.

~~9.4.2.99.5.2.10~~ The life-saving equipment required by ~~this section~~ subsection 9.5, shall be in serviceable condition.

~~9.4.39.5.3~~ Fire-Extinguishing Equipment Required.

~~9.4.3.19.5.3.1~~ Motorboats.

~~9.4.3.1.19.5.3.1.1~~ Motorboats less than 26 feet in length shall abide by ~~9.4.3.1 of this regulation~~ subsection 9.3.4.1.

~~9.4.3.1.29.5.3.1.2~~ Motorboats 26 feet in length to less than 40 feet in length shall abide by ~~9.3.4.1 of this regulation~~ subsection 9.3.4.2.

~~9.4.3.1.39.5.3.1.3~~ Motorboats 40 feet in length to less than 65 feet in length shall abide by ~~subsection 9.3.4.3 of this regulation~~.

~~9.4.3.29.5.3.2~~ Motor Vessels.

~~9.4.3.2.19.5.3.2.1~~ Motor vessels less than 50 gross tonnage shall carry ~~one Type B-II~~ 20-B approved hand portable fire extinguisher.

~~9.4.3.2.29.5.3.2.2~~ Motor vessels 50 and not over 100 gross tonnage shall carry ~~two Type B-II~~ 20-B approved hand portable fire extinguishers.

~~9.4.3.2.39.5.3.2.3~~ Motor vessels 100 and not over 500 gross tonnage shall carry ~~three Type B-III~~ 20-B approved hand portable fire extinguishers.

~~9.4.3.2.49.5.3.2.4~~ Motor vessels 500 but not over 1,000 gross tonnage shall carry ~~six Type B-II~~ 20-B approved hand portable fire extinguishers.

~~9.4.3.2.59.5.3.2.5~~ Motor vessels over 1,000 gross tonnage shall carry ~~eight Type B-II~~ 20-B approved hand portable fire extinguishers.

~~9.4.3.39.5.3.3~~ In addition to the hand portable fire extinguishers required by ~~subsection 9.4.3.2 of this section~~, the following fire-extinguishing equipment shall be fitted in the machinery space:

~~9.4.3.3.19.5.3.3.1~~ One ~~Type B-II~~ 20-B hand portable fire extinguisher shall be carried for each 1,000 B. H. P. of the main engines or fraction thereof. However, not more than ~~six~~ 6 such extinguishers need be carried.

~~9.4.3.3.29.5.3.3.2~~ On motor vessels over 300 gross tons, either one ~~Type B-III~~ 160-B semiportable fire-extinguishing system shall be fitted, or alternatively, a fixed fire-extinguishing system shall be fitted in the machinery space.

~~9.5.3.3.3~~ The frame or support of each ~~160-B~~ semi-portable fire extinguisher required by ~~subsection 9.5.3.3.2~~ must be welded or otherwise permanently attached to a bulkhead or deck.

~~9.5.3.3.4~~ If an approved semi-portable fire extinguisher has wheels, it must be securely stowed when not in use to prevent it from rolling out of control under heavy sea conditions.

~~9.5.3.3.5~~ Extinguishers with larger numerical ratings or multiple letter designations may be used to meet the requirements of ~~subsection 9.5.3.1~~.

~~9.4.3.49.5.3.4~~ Barges carrying passengers.

~~9.4.3.4.19.5.3.4.1~~ Every barge 65 feet in length or less while carrying passengers when towed or pushed by a motorboat, motor vessel or steam vessel shall be fitted with hand portable fire

extinguishers as required by ~~this 9.3.4 of this regulation~~ subsection 9.3.4.1, depending upon the length of the barge.

~~9.4.3.4.2~~ 9.5.3.4.2 Every barge over 65 feet in length while carrying passengers when towed or pushed by a motorboat, motor vessel or steam vessel shall be fitted with hand portable fire extinguishers as required by ~~this section~~, subsection 9.3.4.2 depending upon the gross tonnage of the barge.

**1 DE Reg. 1772 (5/1/98)**

**2 DE Reg. 1880 (4/1/99)**

## **10.0 Boat Ramps and Parking Lots Administered by Division**

(Formerly BR-10)

(~~Penalty Section 23 Del.C. §2125~~)

10.1 Applicability. This regulation applies to boat ramps, parking lots, and seawalls or other mooring facilities administered by the Division.

10.2 Boat Ramps and Mooring Facilities.

10.2.1 Whoever uses a boat ramp, seawall, or other mooring facility shall do so on a first-come, first-serve basis.

10.2.2 No person shall leave a vessel unattended at any seawall or other mooring facility. Disabled vessels shall clear the area as soon as possible.

10.2.3 No person shall use any seawall or other mooring facility except for vessels loading and unloading and as a holding area for vessels waiting to use boat ramps.

10.2.4 No person shall moor or conduct repairs to a vessel in any area which interferes with vessel traffic at a boat ramp. Ramp space shall be kept clear at all times for usage of vessels being launched or recovered.

10.2.5 Vessels left abandoned at any seawall or other mooring facility or found adrift shall be removed at the owner's expense. Vessels left unattended at any seawall or other mooring facility in excess of 48 hours without contacting the ~~Division or a Fish and Wildlife Agent~~ Natural Resources Police shall be deemed abandoned.

10.3 Parking Lots.

10.3.1 No person shall park a vehicle or boat trailer in an undesignated parking space.

10.3.2 No person shall park, stop, or stand a vehicle or boat trailer in front of a boat ramp except in designated areas.

10.3.3 No person shall park a vehicle or boat trailer in such a manner as to impede traffic.

10.3.4 No person shall camp overnight in a parking lot.

10.3.5 No person shall abandon a vehicle, vessel or boat trailer in a parking lot. If a vehicle, vessel or boat trailer is abandoned, it will be removed at the owner's expense. Vehicles, vessels or boat trailers left unattended in a parking lot for in excess of 48 hours without contacting the ~~Division or a Fish and Wildlife Agent~~ Natural Resources Police shall be deemed abandoned.

10.3.6 Operators of emergency vehicles shall have priority over all other vehicles. Vessel operators shall clear passage for emergency vehicles on their approach or when directed by an ~~enforcement~~ Natural Resources Police officer.

**1 DE Reg. 1772 (5/1/98)**

## **11.0 Navigation Lights**

(Formerly BR-11)

(~~Penalty Section 23 Del.C. §2125~~)

11.1 Applicability.

11.1.1 Except for vessels used by ~~enforcement~~ Natural Resources Police officers for law enforcement purposes, this regulation applies to all vessels used on the waters of this State.

11.1.2 Vessels over 20 meters (65.6 ft.) in length and vessels listed below shall display lights and exhibit shapes in accordance with the International or Inland Navigation Rules and Annexes (Commandant Instruction M16672.2C):

11.1.2.1 Vessels towing, pushing, or being towed or pushed;

11.1.2.2 Vessels engaged in fishing;

11.1.2.3 Vessels not under command;

11.1.2.4 Vessels restricted in their ability to maneuver;

11.1.2.5 Pilot vessels; or

11.1.2.6 Air-cushion vessels.

11.2 Visibility of lights.

11.2.1 The lights required by this section shall have an intensity so as to be visible at the following ranges:

11.2.1.1 In a vessel of 12 meters (39.4 ft.) or more in length but less than 50 meters (164 ft.) in length:

- 11.2.1.1.1 A masthead light, 5 miles; except that where the length of the vessel is less than 20 meters (65.6 ft.), 3 miles;
- 11.2.1.1.2 A sidelight, 2 miles;
- 11.2.1.1.3 A sternlight, 2 miles;
- 11.2.1.1.4 A towing light, 2 miles;
- 11.2.1.1.5 A white, red, green or yellow all-round light, 2 miles; and
- 11.2.1.1.6 A special flashing light, 2 miles.
- 11.2.1.2 In a vessel of less than 12 meters (39.4 ft.) in length:
  - ~~11.2.1.1.1~~11.2.1.2.1 A masthead light, 2 miles;
  - ~~11.2.1.1.2~~11.2.1.2.2 A sidelight, 1 mile;
  - ~~11.2.1.1.3~~11.2.1.2.3 A sternlight, 2 miles;
  - ~~11.2.1.1.4~~11.2.1.2.4 A towing light, 2 miles;
  - ~~11.2.1.1.5~~11.2.1.2.5 A white, red, green or yellow all-round light, 2 miles; and
  - ~~11.2.1.1.6~~11.2.1.2.6 A special flashing light, 2 miles.

11.3 Prohibition.

- 11.3.1 No person ~~may~~shall use a vessel to which ~~this regulation~~Section 11.0 applies without carrying and exhibiting the lights required in subsection 11.4 ~~of this regulation~~ and of the intensity required in subsection 11.2 ~~of this regulation~~:
- 11.3.1.1 When underway or at anchor;
- 11.3.1.2 In all weathers from sunset to sunrise; and
- 11.3.1.3 During times of restricted visibility.
- 11.3.2 No person ~~may~~shall use a vessel to which ~~this regulation~~Section 11.0 applies which exhibits other lights which may be mistaken for those required in ~~Section 4 of this regulation~~ subsection 11.4 during such time as navigation lights are required.
- 11.3.3 No person ~~may~~shall use a vessel to which this regulation applies unless it carries and exhibits the light or day shapes required in the International or Inland Navigational Rules and Annexes (Commandant Instruction M16672.2C) for vessels used under special circumstances defined therein.

11.4 Navigation Lights Required.

- 11.4.1 Power-driven vessels underway in international and inland waters shall exhibit:
  - 11.4.1.1 A masthead light forward;
  - 11.4.1.2 A second masthead light abaft of and higher than the forward one; except that in inland waters a vessel of less than 50 meters (164 ft.) in length shall not be obliged to exhibit such light but may do so;
  - 11.4.1.3 Sidelights; and
  - 11.4.1.4 A sternlight.
- 11.4.2 Power-driven vessels underway in international waters:
  - 11.4.2.1 Power-driven vessels of less than 12 meters (39.4 ft.) in length may in lieu of the lights prescribed in subsection 11.4.1 ~~of this section~~ exhibit an all-round white light and sidelights;
  - 11.4.2.2 Power-driven vessels of less than 7 meters (23 ft.) in length whose maximum speed does not exceed 7 knots may in lieu of the lights prescribed in subsection 11.4.1 ~~of this section~~ exhibit an all-round white light and shall, if practicable, also exhibit sidelights; and
  - 11.4.2.3 The masthead light or all-round white light on a power-driven vessel of less than 12 meters (39.4 ft.) in length may be displaced from the fore and aft centerline of the vessel if centerline fitting is not practicable, provided that the sidelights are combined in one lantern which shall be carried on the fore and aft centerline of the vessel or located as nearly as practicable in the same fore and aft line as the masthead light or the all-round white light.
- 11.4.3 Power-driven vessels underway in inland waters shall exhibit the same light for vessels in subsection 11.4.1 ~~of this section~~ except:
  - 11.4.3.1 A vessel of less than 12 meters (39.4 ft.) in length may, in lieu of the lights prescribed in subsection 11.4.1 ~~of this section~~, exhibit an all-round white light and sidelights.
  - 11.4.3.2 A vessel of less than 20 meters (65.6 ft.) in length need not exhibit the masthead light forward of amidships but shall exhibit it as far forward as practicable.
- 11.4.4 Sailing vessels underway and vessels under oars in international and inland waters:
  - 11.4.4.1 A sailing vessel underway shall exhibit:
    - 11.4.4.1.1 Sidelights; and
    - 11.4.4.1.2 A sternlight.
  - 11.4.4.2 In a sailing vessel of less than 20 meters (65.6 ft.) in length, the lights prescribed in subsection 11.4.4.1 ~~of this section~~ may be combined in ~~one~~1 lantern carried at or near the top of the mast where it can best be seen.

- 11.4.4.3 A sailing vessel underway may, in addition to the lights prescribed in subsection 11.4.4.1 of this section, exhibit at or near the top of the mast, where they can best be seen, ~~two~~<sup>2</sup> all-round lights in a vertical line, the upper being red and the lower being green, but these lights shall ~~not~~<sup>may not</sup> be exhibited in conjunction with the combined lantern permitted in ~~paragraph (d)(2) of this section~~subsection 11.4.4.2.
- 11.4.4.4 A sailing vessel of less than 7 meters (23 ft.) in length shall, if practicable, exhibit the lights prescribed in subsections 11.4.4.1 or 11.4.4.2 of this section, but if ~~she~~<sup>the person</sup> does not, ~~she~~<sup>the person</sup> shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
- 11.4.4.5 A vessel under oars may exhibit the lights prescribed in this section for sailing vessels, but if ~~she~~<sup>the person</sup> does not, ~~she~~<sup>the person</sup> shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision.
- 11.4.4.6 A vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward. When upon inland waters, a vessel of less than 12 meters (39.4 ft.) in length is not required to exhibit this shape.
- 11.4.5 Anchored vessels:
  - 11.4.5.1 International and Inland. - Vessels at permanent moorings are not required to display an anchor light.
  - 11.4.5.2 International and Inland. - A vessel of less than 50 meters (164 ft.) in length at anchor shall exhibit an all-round white light where it can best be seen or:
    - 11.4.5.2.1 In the fore part, an all-round white light or one ball; and
    - 11.4.5.2.2 At or near the stern and at a lower level than the light prescribed in subsection 11.4.5.2.1 of this subsection, an all-round white light.
  - 11.4.5.3 Inland. - A vessel of less than 7 meters (23 ft.) in length, when at anchor, not in or near a narrow channel, fairway, anchorage, or where other vessels normally navigate, shall ~~not~~<sup>may not</sup> be required to exhibit the lights or shapes prescribed in subsection 11.4.4.2 of this section.

**1 DE Reg. 1772 (5/1/98)**

**12.0 Anchoring and Obstructing Navigation**

(Formerly BR-12)

(Penalty Section 23 ~~Del.C.~~ §2125)

12.1 Applicability.

This regulation applies to all vessels or other objects used or placed on the waters of this State.

12.2 Anchoring.

- 12.2.1 No person shall anchor a vessel or other object in a navigable channel or allow any equipment from an anchored vessel to extend into the channel and subsequently interfere with the passage of any other vessel.
- 12.2.2 No person shall anchor a vessel in such a manner as to obstruct or otherwise obscure navigation aids.
- 12.2.3 No person shall anchor a vessel or allow any equipment from an anchored vessel to obstruct or otherwise interfere with the passage of any other vessel near:
  - 12.2.3.1 A boat launching facility;
  - 12.2.3.2 A marina entrance;
  - 12.2.3.3 The entrance to any canal or waterway;
  - 12.2.3.4 A permanent mooring facility; or
  - 12.2.3.5 A vessel docking facility.
- 12.2.4 No person shall place any item or equipment in a navigable channel so as to obstruct or otherwise impede or interfere with the passage of a vessel.

**APPENDIX A**

**ISSUING AUTHORITIES**

1.0 The state is the issuing authority and reporting authority in:

Alabama	(AL)	Montana	(MT)
American Samoa	(AS)	Nebraska	(NB)
Arizona	(AZ)	Nevada	(NV)
Arkansas	(AR)	New Hampshire	(NH)
California	(CF)	New Jersey	(NJ)
Colorado	(CL)	New Mexico	(NM)

Connecticut	(CT)	New York	(NY)
Delaware	(DL)	North Carolina	(NC)
District of Columbia	(DC)	— North Dakota	(ND)
Florida	(FL)	Ohio	(OH)
Georgia	(GA)	Oklahoma	(OK)
Guam	(GM)	Oregon	(OR)
Hawaii	(HA)	Pennsylvania	(PA)
Idaho	(ID)	Puerto Rico	(PR)
Illinois	(IL)	Rhode Island	(RI)
Indiana	(IN)	South Carolina	(SC)
Iowa	(IA)	South Dakota	(SD)
Kansas	(KA)	Tennessee	(TN)
Kentucky	(KY)	Texas	(TX)
Louisiana	(LA)	Utah	(UT)
Maine	(ME)	Vermont	(VT)
Maryland	(MD)	Virginia	(VA)
Massachusetts	(MS)	Virgin Islands	(VI)
Michigan	(MC)	Washington	(WN)
Minnesota	(MN)	West Virginia	(WV)
Mississippi	(MI)	Wisconsin	(WS)
Missouri	(MO)	Wyoming	(WY)

**1 DE Reg. 1772 (5/1/98)**

**2 DE Reg. 1880 (4/1/99)**

2.0 The Coast Guard is the issuing authority and reporting authority in:

Alaska (AK)

3.0 The abbreviations following the names of the states listed in the paragraphs (a) and (b) are the two capital letters that must be used in the number format to denote the state of principal use operation.

## APPENDIX B

### ONE YEAR CYCLE

COLOR	YEAR ISSUED	YEAR EXPIRES
Blue	1997	1997
Orange	1998	1998
Green	1999	1999
Red	2000	2000
Orange	2000	2000
Blue	2001	2001
Green	2001	2001
Blue	2004	2004
Green	2004	2004
Orange	2002	2002
Red	2002	2002
Orange	2028	2028
Red	2028	2028
Blue	2029	2029
Blue	2026	2026
Orange	2027	2027
Blue	2027	2027
Orange	2027	2027

### THREE YEAR CYCLE

COLOR	YEAR ISSUED	YEAR EXPIRES
Green	2025	2027
Red	2026	2028
Blue	1995	1997
Blue	1995	1997
Orange	2028	2030
Orange	2028	2030
Orange	1996	1998
Green	1997	1999
Red	1998	2000
Blue	1999	2001
Orange	2000	2002
Orange	2000	2002

**1 DE Reg. 1772 (5/1/98)**

1 DE Reg. 1772 (5/1/98)  
2 DE Reg. 1880 (4/1/99)