

HB 115 - AS INTRODUCED

2021 SESSION

21-0088

11/04

HOUSE BILL                    ***115***

AN ACT                    relative to wake surfing.

SPONSORS:            Rep. Suzanne Smith, Graf. 8; Rep. MacDonald, Carr. 6; Rep. Gunski, Hills. 6; Rep. Fellows, Graf. 8; Rep. Wuelper, Straf. 3; Sen. Ward, Dist 8; Rep. Gottling, Sull. 2; Rep. Deshaies, Carr. 6

COMMITTEE:        Resources, Recreation and Development

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ANALYSIS

This bill defines and regulates "wake surfing."

This bill is a result of 2019, 77, the commission to study wake boats.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty One*

AN ACT relative to wake surfing.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 New Paragraph; Boating and Water Safety; Definitions; Wake Surfing. Amend RSA 270-D:1  
2 by inserting after paragraph XII the following new paragraph:

3       XII-a. "Wake surfing" means a person using a surfboard, wakeboard, or similar device to  
4 ride on or in the wake directly behind a vessel that is underway. Wake surfing shall not include a  
5 person who is water skiing.

6       2 Boating and Water Safety; Wake Surfing. Amend RSA 270-D:3 to read as follows:

7       270-D:3 Motorboats Towing Water Skiers and Aquaplanes.

8       I.(a) No person shall operate a motorboat while towing water skiers, aquaplanes, or similar  
9 devices, **or while engaged in wake surfing**, unless another person is present in the motorboat  
10 who is physically able to observe and assist the person or appurtenance being towed **or wake**  
11 **surfing**. The observer shall be 13 years of age or older.

12       (b) For water skiers only, an observer shall not be required if the motorboat is a tow boat  
13 that has been approved by the American Water Ski Association and operated by a person at least 18  
14 years of age. The motorboat shall be equipped with a wide-angle mirror having a viewing surface of  
15 at least 48 square inches and operated within a slalom course approved by the American Water Ski  
16 Association. The course shall have a valid state police permit.

17       II. The operator of the motorboat shall be responsible for compliance with the navigation  
18 requirements under this subdivision for both the vessel and the person or appurtenance being towed  
19 **or wake surfing**. In addition, any person being towed by **or wake surfing behind** a motorboat  
20 shall comply with all navigation rules.

21       III. No more than 6 persons may be towed on one or more inflatable tubes and no more than  
22 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the  
23 same time. When 3 or more persons are being towed, 2 observers, in addition to the operator, shall  
24 be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this  
25 paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

26       IV. Except in connection with water events and exhibitions authorized by the director, no  
27 towing of water skiers, aquaplanes or similar devices shall be conducted during the period between  
28 sunset and sunrise. **In addition, no person shall operate a boat engaged in wake surfing**  
29 **during the period between sunset and sunrise.**

30       V. No person shall be towed on water skis or other appurtenances unless the person is  
31 wearing a Coast Guard approved type 1, 2, or 3 PFD, except when directly participating or

1 competing in an American Water Ski Association approved event or exhibition, authorized by a  
2 special permit issued by the director of state police.

3 ***VI. No person shall engage in wake surfing unless such person is wearing a Coast***  
4 ***Guard approved PFD.***

5 ***VII. No person shall operate a motorboat propelled by an outboard motor,***  
6 ***inboard/outboard motor, or water jet while a person is wake surfing in or on the wake of***  
7 ***such motorboat, unless the propulsion system is specifically designed by the manufacturer***  
8 ***for that activity.***

9 3 Effective Date. This act shall take effect 60 days after its passage.