

**IC 14-15**

**ARTICLE 15. REGULATION OF WATER RECREATION**

**IC 14-15-1**

**Chapter 1. General Provisions**

**IC 14-15-1-1**

**Applicability of article**

Sec. 1. This article applies to the following:

(1) All public waters.

(2) All watercraft navigated or moving on public waters.

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

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

### **Chapter 2. Watercraft Equipment**

#### **IC 14-15-2-1**

##### **Unlawful operation without proper equipment**

Sec. 1. A person may not operate a motorboat upon public water if the motorboat is not equipped with the equipment required by this chapter. The equipment must be:

- (1) in good repair and operating condition; and
- (2) ready for use;

at all times.

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

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

##### **Bilge ventilators**

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

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

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

#### **IC 14-15-2-3**

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

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

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

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

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

##### **Mufflers; underwater exhaust**

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

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

- (1) a muffler;
- (2) an underwater exhaust; or
- (3) other device;

that muffles or suppresses the sound of the exhaust.

*As added by P.L.1-1995, SEC.8. Amended by P.L.195-2014, SEC.2.*

#### **IC 14-15-2-5**

### **Muffler cutouts; bypass**

Sec. 5. (a) This section does not apply to a motorboat competing in and during a motorboat race for which a permit has been issued by the department.

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

- (1) A muffler cutout.
- (2) A bypass.
- (3) Any device similar to a muffler cutout or bypass.

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

### **IC 14-15-2-6**

#### **Personal flotation devices**

Sec. 6. (a) This section does not apply to the following:

- (1) A sailboard or windsurfing board.
- (2) A manually propelled boat, such as a racing shell, rowing scull, or racing kayak:
  - (A) that is recognized by national or international racing associations for use in competitive racing;
  - (B) in which all occupants row, scull, or paddle, with the exception of a coxswain if a coxswain is provided; and
  - (C) that is designed to carry and carries equipment only for competitive racing.

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

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

(c) The director may waive the requirements of this section for a boat during competition in a boat race for which a permit has been issued by the department if the following conditions are met:

- (1) The sponsor of the boat race has informed the director of the precautions the sponsor will take to minimize the safety hazards that exist due to noncompliance with the requirements of this section.
- (2) The sponsor files with the director a document under which the sponsor assumes all liability that may result from the use of a boat under the waiver.

*As added by P.L.1-1995, SEC.8. Amended by P.L.38-2000, SEC.2; P.L.24-2001, SEC.1.*

### **IC 14-15-2-7**

#### **Holding tanks; sewage disposal**

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

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

- (1) an approved shoreside facility or incinerator; or
- (2) a treatment system approved by the department of environmental management according to rules adopted by the environmental rules board.

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

*As added by P.L.1-1995, SEC.8. Amended by P.L.113-2014, SEC.95.*

#### **IC 14-15-2-8**

##### **Littering**

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

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

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

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

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

#### **IC 14-15-2-9**

##### **Gas or flammable liquids**

Sec. 9. (a) This section does not apply to motor fuel or fuel used in pocket cigarette, cigar, or pipe lighters.

(b) A person may not carry in a boat that is:

- (1) kept, maintained, or operated upon public water; and
- (2) used to carry passengers for hire;

gas, liquefied gas, or an inflammable liquid capable of being used for cooking, heating, or lighting.

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

#### **IC 14-15-2-10**

##### **Lights**

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

- (1) in good repair and operating condition; and
- (2) displayed and lighted or burning except as otherwise

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

**IC 14-15-2-11**  
**White light aft**

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

(1) Except as provided in section 13 of this chapter, motorboats and auxiliary sailboats, whether under power and sail or power alone, must display one (1) of the following:

(A) An all-round white light aft.

(B) A combination of one (1) stern light visible through an arc of twelve (12) points or one hundred thirty-five degrees (135°) to the stern and at least one (1) masthead light visible twenty (20) points or two hundred twenty-five degrees (225°) so as to complete the white light arc over the horizon.

(2) Sailboats more than twenty-two (22) feet in length and operating under sail alone must display one (1) of the following:

(A) An all-round white light aft visible three hundred sixty degrees (360°).

(B) A white stern light visible through an arc of twelve (12) points or one hundred thirty-five degrees (135°) to the stern.

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

**IC 14-15-2-12**  
**Combination starboard and port lights**

Sec. 12. All:

(1) motorboats and auxiliary sailboats equipped with a motor or engine rated at least fifteen (15) horsepower; and

(2) sailboats more than twenty-two (22) feet in length;

must be equipped with combination lights forward showing green to starboard and red to port visible for a distance of at least one (1) mile and affixed or attached so as to throw light from dead ahead to two (2) points abaft the beam of the respective sides. The lights shall be affixed or attached to the bow of the boat, except that sailboats operating under sail alone may combine the red and green lights with the stern light at the uppermost point of the mast.

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

**IC 14-15-2-13**  
**Hand lanterns or flashlights**

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

(1) Nonpowered boats including canoes and kayaks.

(2) Sailboats not more than twenty-two (22) feet in length under sail alone.

(3) Boats powered only by electric motor on lakes restricted to propulsion solely by oars, paddles, or electric motors.

(4) Any boat using an electric motor for positioning purposes

only.

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

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

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

##### **Pontoon boat lights**

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

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

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

##### **Violations**

Sec. 15. (a) A person who violates section 1, 2, 3, 4, 5, 6, 7(b), 9, 10, 12, 13, or 14 of this chapter commits a Class C infraction.

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

*As added by P.L.1-1995, SEC.8. Amended by P.L.137-2007, SEC.32; P.L.195-2014, SEC.3.*

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

### **Chapter 3. Watercraft Operation**

#### **IC 14-15-3-1**

##### **"Small lake" defined**

Sec. 1. As used in this chapter, "small lake" means a body of public water having a surface area that does not exceed three hundred (300) acres, excluding the following in determining the surface area:

- (1) An adjoining channel.
- (2) Any other small lake connected to the body of public water by a natural or manmade channel less than five hundred (500) feet wide at the narrowest point.

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

#### **IC 14-15-3-2**

##### **Unlawful operation prohibited**

Sec. 2. A person may not operate a boat upon public waters:

- (1) in any manner;
- (2) under any circumstances; or
- (3) at any rate of speed;

prohibited by this article.

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

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

##### **Careful and prudent operation**

Sec. 3. A person operating a boat shall operate the boat in a careful and prudent manner, having due regard for the following:

- (1) The rights, safety, and property of other persons.
- (2) The conditions and hazards, actual and potential, then existing, including weather and density of traffic.
- (3) Possible injury to the person or property of other persons.

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

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

##### **Repealed**

*(Repealed by P.L.57-1995, SEC.11.)*

#### **IC 14-15-3-5**

##### **Operation of unsafe boats prohibited**

Sec. 5. A person may not operate a boat if all or part of the boat is:

- (1) designed or constructed in a manner; or
- (2) in a condition or state of repair;

that endangers the person or property of any other person.

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

#### **IC 14-15-3-6**

##### **Dangerous operation prohibited**

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

- (1) Unnecessarily endangers the person or property of another

person.

(2) Unnecessarily interferes with the safe and lawful use of public waters by another person.

(3) Unnecessarily interferes with or obstructs a special event sanctioned or otherwise legally permitted by the department, another state, or the United States.

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

#### **IC 14-15-3-7**

##### **Speeding**

Sec. 7. A person may not operate a boat at a rate of speed greater than:

(1) is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density of traffic; or

(2) will permit the person, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead.

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

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

##### **Night speed limit**

Sec. 8. Subject to section 9 of this chapter, a person may not operate a boat during the period between sunset and sunrise at a speed greater than ten (10) miles per hour.

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

#### **IC 14-15-3-9**

##### **Restrictions on operation on boundary lakes**

Sec. 9. (a) This section applies only to lakes of more than four hundred (400) acres but less than one thousand (1,000) acres lying on the boundary of Indiana and another state.

(b) Between 6:30 p.m. and 10 a.m., a person may not do any of the following:

(1) Operate a boat at a speed greater than ten (10) miles per hour.

(2) Tow an object with a boat, except a disabled motor boat or an object incidental to fishing.

(3) Obtain or be issued a permit under IC 14-15-5 for an activity described in subdivision (1) or (2).

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

#### **IC 14-15-3-10**

##### **Small lakes; speed limit**

Sec. 10. Subject to section 11 of this chapter, a person may not operate a motorboat upon a small lake at a speed greater than ten (10) miles per hour.

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

#### **IC 14-15-3-11**

##### **Small lakes; exemption from speed limit**



Sec. 11. (a) The commission may adopt rules under IC 4-22-2 to exempt a small lake containing more than seventy (70) acres from section 10 of this chapter if the following conditions exist:

- (1) A majority of the abutting property owners petitions the commission as provided in this section.
- (2) An unreasonable hazard to persons would not result.
- (3) An unreasonable harm to fish, wildlife, or botanical resources would not result.

(b) A petition under this section must specify one (1) of the following periods for exemption from section 10 of this chapter:

- (1) Each day of the week (Sunday through Saturday) from 1 p.m. to 4 p.m. (local time prevailing).
- (2) Monday, Thursday, and Saturday from 1 p.m. to 4 p.m. (local time prevailing).
- (3) Saturday from 1 p.m. to 4 p.m. (local time prevailing).
- (4) Each day of the week (Sunday through Saturday) from sunrise to sunset if the small lake is owned, leased, or operated in whole or in part by a political subdivision (as defined in IC 36-1-2-13).
- (5) Each day of the week (Sunday through Saturday) from sunrise to sunset if the small lake is connected by a natural channel to a lake having a surface area of more than three hundred (300) acres.

(c) The commission may not establish a period that deviates from the period requested in the petition. However, the commission may adopt rules to establish restrictions for the safe operation of watercraft if unusual conditions or hazards would otherwise result by granting the exemption.

(d) The commission may adopt rules under IC 4-22-2 to rescind or amend an exemption granted under subsection (a) if:

- (1) a majority of the abutting property owners of a small lake that has been exempted under this section petitions the commission in substantial accordance with the appropriate corresponding requirements of subsection (f) to rescind the exemption; or
- (2) the commission determines that because of the exemption:
  - (A) there is an unreasonable hazard to persons; or
  - (B) unreasonable harm to fish, wildlife, or botanical resources is occurring.

(e) Before the adoption of a rule under subsection (a), the commission must certify that the petition represents a majority of the abutting property owners. A determination under this subsection is subject to IC 4-21.5.

(f) A petition under this section must be in the following form:

To the State of Indiana  
Department of Natural Resources

The undersigned, all owners of abutting property to (name of lake) and situated in \_\_\_\_\_ County, Indiana, petition the department to post time periods exempting (name of lake) from speed limits as specified in IC 14-15-3-10 as follows:

(Petition to specify one (1) of the time periods listed above.)

We certify that, according to land and water acreage maps on file with the department or certified survey attached, (name of lake) is less than three hundred (300) acres and more than seventy (70) acres, as specified in IC 14-15-3 and that the signatures listed on this petition represent a majority of bona fide property owners of abutting property of (name of lake), as recorded in the office of the county recorder of (name of county). The department may verify the validity of the signatures. We also understand and agree that this petition, when certified, may not be changed or altered within two (2) years from the date of the certification.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Lake Property Address

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

**IC 14-15-3-12  
Small lakes; rescission or amendment of exemption from speed limit**

Sec. 12. (a) A petition filed by a majority of the abutting property owners of a small lake continues in effect and may not be rescinded by a subsequent petition to amend, alter, or abolish for two (2) years from the date of certification of the last filed petition.

(b) To amend, alter, or abolish an existing certified petition a majority of the abutting property owners of the small lake must petition the department.

(c) The commission may adopt rules under IC 4-22-2 to rescind or amend an exemption granted under section 11 of this chapter if:

- (1) a majority of the abutting property owners of a small lake that has been exempted under section 11 of this chapter petitions the commission in substantial accordance with the appropriate corresponding requirements of subsection (d) to rescind the exemption; or
- (2) the commission determines that because of the exemption:
  - (A) there is an unreasonable hazard to persons; or
  - (B) unreasonable harm to fish, wildlife, or botanical resources is occurring.

(d) A petition under this section must be in the following form:

To the State of Indiana  
Department of Natural Resources

The undersigned, all owners of abutting property to (name of lake) and situated in \_\_\_\_\_ County, Indiana, petition the department to (amend) (abolish) an existing petition as follows:

(Insert desired action)

We certify that the signatures listed on this petition represent a majority of the bona fide property owners of abutting property of (name of lake), as recorded in the office of the county recorder of (name of county). The county auditor of the county in which the property is located shall verify the validity of the signatures before

the petition is presented to the department. We also understand and agree that this petition, superseding all existing and prior petitions, when certified, takes effect immediately, and a subsequent petition may not be filed for two (2) years from the date of certification.

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Lake Property Address

\_\_\_\_\_  
Date

(e) Upon rescission of a prior petition, the department, as soon as practicable, shall remove all existing postings on the lake.

(f) It is the intent of this section to avoid confusion to lake users that might result from frequent changes in posting and unnecessary expense to the department in erecting and removing postings more often than every two (2) years.

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

### **IC 14-15-3-12.5**

#### **Effect of certain exemptions to motorboat speed limits**

Sec. 12.5. Notwithstanding sections 10, 11, and 12 of this chapter, any exemption to the motorboat speed limit that was:

(1) granted by the department in response to a petition from a majority of abutting property owners; and

(2) in effect on August 31, 1985;

remains in effect. However, if a majority of abutting property owners petition the department to rescind or amend the exemption, the department may rescind or amend the exemption.

*As added by P.L.16-2009, SEC.22.*

### **IC 14-15-3-13**

#### **Exemption from boat speed limits**

Sec. 13. Notwithstanding any of the provisions of this chapter, a person operating a boat competing in and during:

(1) a boat race;

(2) a water ski event; or

(3) any other organized boating activity;

over a fixed and marked course for which a permit has been issued by the department under this article may attempt to attain any speed of which the boat is capable.

*As added by P.L.1-1995, SEC.8. Amended by P.L.21-2005, SEC.1.*

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

#### **Traffic rules**

Sec. 14. A person operating a boat shall observe the following traffic rules when applicable:

(1) When two (2) boats are approaching each other "head and head", or nearly so, each boat shall bear to the right and pass the other boat on the boat's left side.

(2) When two (2) boats are approaching each other obliquely or at right angles, the boat on the right has the right-of-way.

However, when:

(A) one (1) boat is under sail or is nonmotorized, the sailboat or nonmotorized boat has the right-of-way; and

(B) two (2) boats are under sail or are nonmotorized, the boat on the right has the right-of-way.

(3) A boat operated on a river or a channel shall bear to the right.

(4) A boat may overtake and pass another boat on either side if the passing can be done with safety and within the assured clear distance ahead, but the boat overtaken has the right-of-way.

(5) A boat leaving a dock, a pier, a wharf, or the shore has the right-of-way over all boats approaching the dock, pier, wharf, or shore.

*As added by P.L.1-1995, SEC.8. Amended by P.L.69-2009, SEC.3.*

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

#### **Hazardous wake or wash prohibited**

Sec. 15. A person operating a motorboat may not approach or pass another boat:

(1) in such a manner; or

(2) at such a rate of speed;

as to create a hazardous wake or wash.

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

### **IC 14-15-3-16**

#### **Circular operation of motorboats around fishers or swimmers prohibited**

Sec. 16. A person may not operate a motorboat in a circular course around any of the following:

(1) Another boat with an occupant engaged in fishing.

(2) A person swimming.

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

### **IC 14-15-3-17**

#### **Minimum distance from shore lines**

Sec. 17. (a) A person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a place or point where the lake or channel is at least five hundred (500) feet in width, except for the purpose of trolling or for the purpose of approaching or leaving a dock, pier, or wharf or the shore of the lake or channel.

(b) Except as provided in subsection (c), a person operating a motorboat may not approach or pass within two hundred (200) feet of the shore line of a lake or channel of the lake at a speed greater than idle speed.

(c) This subsection applies to lakes formed by hydroelectric dams in a county having a population of:

(1) more than twenty-four thousand five hundred (24,500) but less than twenty-five thousand (25,000); or

(2) more than twenty thousand (20,000) but less than twenty thousand five hundred (20,500).

A person operating a motorboat may not approach or pass within fifty (50) feet of the shore line at a speed greater than idle speed. However, on tributaries of lakes described in this subsection that are formed by hydroelectric dams, a person operating a motor boat may not approach or pass within two hundred (200) feet of the shore line of the tributary at a speed greater than idle speed. For the purposes of this chapter, tributaries on lakes formed by hydroelectric dams do not include the principal body of water flowing into the lakes.

*As added by P.L.1-1995, SEC.8. Amended by P.L.38-2000, SEC.3; P.L.170-2002, SEC.93; P.L.119-2012, SEC.119.*

### **IC 14-15-3-18**

#### **Adoption of rules regarding state or federally financed lakes and reservoirs**

Sec. 18. (a) The department may adopt rules under IC 4-22-2 to:

- (1) establish speed limits for watercraft; and
- (2) prescribe areas for special use;

on those lakes and reservoirs financed either wholly or in part with state or federal money.

(b) The rules adopted under subsection (a) may do the following:

- (1) Establish zoning of lakes for the protection of users.
- (2) Establish quiet areas in which the use of watercraft may be limited or prohibited for the purposes of fish and wildlife management.
- (3) Provide that special use areas be marked with buoys and marking devices approved by the United States Coast Guard.

(c) A rule adopted under subsection (a) may not interfere with, prohibit, or deprive owners of land adjoining or abutting upon the lakes or reservoirs and their guests of access, ingress, and egress to the land by means of motorized watercraft.

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

### **IC 14-15-3-19**

#### **Applicability of chapter to towed persons or objects**

Sec. 19. Provisions of this chapter concerning the operation of boats or motorboats apply as follows:

- (1) Whether or not the boat or motorboat is towing a water ski, a watersled, an aquaplane, or a similar object, including a person on the water ski, watersled, aquaplane, or similar object.
- (2) To each object and person.

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

### **IC 14-15-3-20**

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

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

- (1) the motorboat is occupied by at least one (1) other person who is giving the person's entire attention to watching the object or person towed; and

(2) the person operating the boat is giving the person's entire attention to the operation of the boat.  
*As added by P.L.1-1995, SEC.8.*

#### **IC 14-15-3-21**

##### **Repealed**

*(Repealed by P.L.195-2014, SEC.4.)*

#### **IC 14-15-3-22**

##### **Sirens**

Sec. 22. A person other than a law enforcement officer may not operate or sound a siren.

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

#### **IC 14-15-3-23**

##### **Load and horsepower safe capacity**

Sec. 23. A person may not operate or permit operation of a watercraft if a reasonably prudent person would believe the total load aboard or the total horsepower of any motor or engine of the watercraft presents a risk of physical harm to persons or property, having due regard for the following:

(1) The type, construction, and condition or state of repair of the boat.

(2) The conditions and hazards, actual and potential, then existing, including weather and density of traffic.

*As added by P.L.1-1995, SEC.8. Amended by P.L.289-2013, SEC.2.*

#### **IC 14-15-3-24**

##### **Occupants on gunwales or bow decking prohibited**

Sec. 24. (a) A person operating a motorboat may not permit an occupant to sit, stand, or lie on the gunwales.

(b) A person operating a motorboat less than twenty-one (21) feet in length may not permit an occupant to sit, stand, or lie on the bow decking of the motorboat, except for any of the following purposes:

(1) Anchoring.

(2) Mooring.

(3) Casting off.

(4) Other necessary purpose.

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

#### **IC 14-15-3-25**

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

Sec. 25. A person may not:

(1) moor or attach a boat to; or

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

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

### **IC 14-15-3-26**

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

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

- (1) prevent;
- (2) impede; or
- (3) interfere with;

the safe passage of another boat through the river or channel.

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

### **IC 14-15-3-27**

#### **Boat races**

Sec. 27. A person may not participate or compete in a boat race unless:

- (1) the race is over a fixed and marked course; and
- (2) a permit for the race has been issued by the department under this article.

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

### **IC 14-15-3-28**

#### **Permitting unlawful operation**

Sec. 28. A person who is:

- (1) the owner of a boat;
- (2) in possession of a boat; or
- (3) entitled to the possession of a boat, whether by reason of legal title, lease, license, rental arrangement, lease with option to purchase, contract of conditional sale, or otherwise;

may not authorize or knowingly permit a person to operate the boat upon public water in violation of this article.

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

### **IC 14-15-3-29**

#### **Unauthorized possession or operation**

Sec. 29. A person may not:

- (1) take possession of;
- (2) assume control of; or
- (3) operate upon public water;

a boat of which any other person is entitled to the possession, whether by reason of legal title, lease, license, rental arrangement, lease with option to purchase, contract of conditional sale, or otherwise, without the prior express consent of the other person.

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

### **IC 14-15-3-30**

#### **Abandoned watercraft**

Sec. 30. (a) A person may not abandon a watercraft at any time on Indiana water. A watercraft found unattended in a sunken, beached, or drifting condition is considered to have been abandoned by the owner. In the interest of public safety, such a watercraft may be removed and impounded for safekeeping and disposal in accordance

with the following:

(1) Abandoned watercraft may be impounded by any law enforcement officer of the department when located on public water.

(2) The owner of an impounded watercraft, if determined and located, shall be notified. The owner may redeem the boat by payment of the storage fee, if any, plus any expenses incurred by the department in the removal of the watercraft.

(3) If the owner of an impounded watercraft cannot be found, the impounded watercraft shall be held at a place of safekeeping for at least ninety (90) days.

(4) A watercraft unclaimed by the owner at the expiration of the period prescribed by subdivision (3) shall be destroyed or sold at public auction.

(5) All money received from the sale at public auction of a watercraft under subdivision (4) shall be deposited in the fish and wildlife fund.

(b) The department and the department's employees are not liable for any damages caused by an abandoned watercraft or incurred to the watercraft during or after the removal of the watercraft from public water.

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

#### **IC 14-15-3-31**

##### **Violations**

Sec. 31. (a) A person who violates section 2, 3, 5, 7, 8, 9, 10, 14, 15, 16, 17, 20, 22, 23, 24, 25, 26, 27, 28, 29, or 30 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 6 of this chapter commits a Class C misdemeanor.

*As added by P.L.1-1995, SEC.8. Amended by P.L.195-2014, SEC.5.*



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

### **Chapter 4. Watercraft Accidents**

#### **IC 14-15-4-1**

##### **Duties of operators**

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

- (1) Stop the boat immediately and as close as possible to the scene of the accident.
- (2) Return to the scene of the accident and remain there until the operator has complied with this section.
- (3) Give:
  - (A) the operator's name and address;
  - (B) a full identification of the boat operated; and
  - (C) the name and address of the owner;to the operator of each other boat and each person injured.
- (4) Upon request, exhibit the operator's license to the operator of each other boat and each person injured.
- (5) Provide reasonable assistance to each person injured, including carrying or arranging for carrying each injured person to a physician, surgeon, or hospital for medical or surgical treatment if:
  - (A) it is apparent that treatment is necessary; or
  - (B) the injured person so requests.

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

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

##### **Notice; reports**

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

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

shall provide the information required under subsection (b).

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

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

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

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

##### **Duties of other occupants**

Sec. 3. (a) If the operator of a boat is physically incapable of

performing a duty imposed by sections 1 and 2 of this chapter, each other occupant of the boat shall perform the duty or see that the duty is performed.

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

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

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

##### **Violations**

Sec. 4. A person who knowingly or intentionally violates section 1, 2, or 3 of this chapter commits a Class C misdemeanor. However, the offense is:

- (1) a Class A misdemeanor if the accident or collision results in an injury to a person;
- (2) a Level 6 felony if:
  - (A) the accident or collision results in serious bodily injury to a person; or
  - (B) within the five (5) years preceding the commission of the offense, the person had a previous conviction of any of the offenses listed in IC 9-30-10-4(a), IC 35-46-9-6, or IC 14-15-8-8 (before its repeal); or
- (3) a Level 5 felony if the accident or collision results in the death of a person.

*As added by P.L.1-1995, SEC.8. Amended by P.L.97-2002, SEC.1; P.L.40-2012, SEC.13; P.L.158-2013, SEC.199; P.L.195-2014, SEC.6.*

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

### **Chapter 5. Race and Event Permits**

#### **IC 14-15-5-1**

##### **Permit requirement**

Sec. 1. A person may not sponsor, conduct, or hold a boat race or water ski event upon public water, including ice, unless a permit for a boat race or water ski event has been issued by the department. A person who has been issued a permit may not violate or fail to comply with a condition upon which the permit has been issued.

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

#### **IC 14-15-5-2**

##### **Investigations; issuance of permit**

Sec. 2. Before issuing a permit for a motorboat race or water ski event, the department shall investigate as necessary. If the department finds that a motorboat race or water ski event can be conducted and held with safety and without undue interference with the lawful use of public water by other persons, the department shall issue the permit with the conditions the department finds necessary to accomplish these objectives. The department shall:

- (1) state the conditions in; or
- (2) attach the conditions to;

the permit.

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

#### **IC 14-15-5-3**

##### **Violations**

Sec. 3. A person who violates section 1 of this chapter commits a Class C infraction.

*As added by P.L.1-1995, SEC.8. Amended by P.L.195-2014, SEC.7.*

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

### **Chapter 6. Passenger Boats**

#### **IC 14-15-6-0.2**

##### **Application of certain amendments to prior law**

Sec. 0.2. The amendments made to IC 14-1-1-48 (before its repeal, now codified at section 2 of this chapter) apply to boating years beginning after December 31, 1989.

*As added by P.L.220-2011, SEC.294.*

#### **IC 14-15-6-1**

##### **Certificate of inspection and registration; requirement**

Sec. 1. (a) A person may not operate a boat upon public water to carry passengers for hire unless the following conditions are met:

- (1) The department has inspected and registered the boat.
- (2) A certificate of inspection and registration issued by the department is affixed to the boat in a prominent place within the clear view of the passengers.

(b) A certificate of inspection and registration expires one (1) calendar year after the date on which the watercraft was inspected. However, the department may extend the expiration date for not more than thirty (30) days if conditions exist that would prevent the inspection of the watercraft before the first anniversary of the previous inspection.

*As added by P.L.1-1995, SEC.8. Amended by P.L.136-1997, SEC.4.*

#### **IC 14-15-6-2**

##### **Certificate of inspection and registration; issuance**

Sec. 2. (a) Before issuing a certificate of inspection and registration for a passenger boat, the department shall have the boat, including all motors, machinery, and equipment, thoroughly and carefully inspected by a competent person.

(b) If the department finds that:

- (1) the boat, including motors, machinery, and equipment, is:
  - (A) of a suitable design and construction for the service in which the boat is or is to be employed; and
  - (B) in a good, safe, and sound operating condition and state of repair that warrants the belief that the boat can be operated with safety in the service;
- (2) the boat, including motors, machinery, and equipment, is in compliance with this article and the rules adopted under this article; and
- (3) property tax under IC 6-1.1 is not owed on the boat, as evidenced by the tax receipt for payment from the appropriate county treasurer;

the department shall register the boat and issue a certificate.

(c) If the department does not find the conditions in subsection (b), the department shall immediately notify the owner of the boat why the boat fails to meet the requirements.

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

**IC 14-15-6-3**

**Fees**

Sec. 3. (a) The department shall charge and collect a fee for the following:

- (1) Each annual dockside inspection.
- (2) Each dry dock inspection, which shall be conducted at least one (1) time every sixty (60) months.
- (b) The following fees shall be charged:
  - (1) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on navigable water of Indiana:
    - (A) Dockside inspection..... \$ 50
    - (B) Dry dock inspection..... \$ 75
  - (2) All watercraft, except sailboats, carrying not more than six (6) passengers for hire on inland water of Indiana:
    - (A) Dockside inspection..... \$ 30
    - (B) Dry dock inspection..... \$ 30
  - (3) All watercraft, except sailboats, carrying more than six (6) passengers for hire on inland water of Indiana:
    - (A) Dockside inspection..... \$ 75
    - (B) Dry dock inspection..... \$100
  - (4) All watercraft propelled primarily by sail that carry passengers for hire on navigable or inland water of Indiana:
    - (A) Dockside inspection..... \$ 50
    - (B) Dry dock inspection..... \$ 75

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

**IC 14-15-6-4**

**Inspections; taking or suspension of certificate**

Sec. 4. (a) The department may:

- (1) periodically; and
- (2) with or without notice;

inspect a registered passenger boat.

(b) If the department finds from the inspection that the boat would not be entitled to registration if registration were sought at that time, the department shall immediately notify the owner of the boat the reason the boat fails to meet the requirements. The department may:

- (1) take possession of a certificate of inspection and registration issued for the boat; and
- (2) suspend the operation of the certificate of inspection and registration;

pending the correction of the deficiencies.

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

**IC 14-15-6-5**

**Operation during suspension of certificate prohibited**

Sec. 5. The owner of a passenger boat whose registration has been suspended under section 4 of this chapter may not use the boat or permit the boat to be used to carry passengers for hire until:

- (1) the deficiencies have been corrected; and
- (2) the certificate of inspection and registration has been issued

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

**IC 14-15-6-6**  
**Contents of certificate**

Sec. 6. Each certificate of inspection and registration must certify that the inspection has been made and must set forth, among other things, the following:

- (1) The date of inspection.
- (2) A description of the boat, including motors, machinery and equipment.
- (3) The age of the boat.
- (4) The maximum weight, including both passengers and property, that may safely be carried on the boat.

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

**IC 14-15-6-7**  
**Display of maximum weight**

Sec. 7. A person may not operate a passenger boat unless there is painted on the outside of the boat, both to starboard and to port and in a conspicuous place, the maximum weight, including passengers and property, that may safely be carried on the boat, as set forth in the certificate.

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

**IC 14-15-6-8**  
**Operation in excess of maximum weight prohibited**

Sec. 8. A person may not operate a passenger boat with persons or property on board in excess of the maximum weight, including passengers and property, that may safely be carried on the boat, as set forth in the certificate.

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

**IC 14-15-6-9**  
**Procedure upon sale of boat**

Sec. 9. (a) Upon the sale of a passenger boat, the purchaser shall within ten (10) days do the following at the same time:

- (1) Give notice in writing to the department of the sale and the date of the sale.
- (2) Surrender the certificate to the department for cancellation.

(b) The department shall, upon receipt, issue a new certificate of inspection and registration to the purchaser. The department shall charge and collect a fee of five dollars (\$5) for issuing the certificate.

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

**IC 14-15-6-10**  
**Violations**

Sec. 10. A person who violates section 1, 5, 7, 8, or 9 of this chapter commits a Class C infraction.

*As added by P.L.1-1995, SEC.8. Amended by P.L.195-2014, SEC.8.*

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

### **Chapter 7. Powers and Duties of Department**

#### **IC 14-15-7-1**

##### **Duties of department**

Sec. 1. The department shall do the following:

- (1) Prescribe the form of accident reports, permits, and certificates required by this article and the form of applications for permits and certificates.
- (2) Carry on a campaign of education with respect to safety in the operation of watercraft and in the use and enjoyment of public waters and with respect to Indiana laws relating to public waters.
- (3) Carry out and enforce this article and in connection with these duties provide and maintain conservation officers and patrol boats upon public waters.
- (4) Locate, establish, and place, and authorize the location, establishment, and placing by others on behalf of the department, buoys, beacons, lights, markers, stakes, flags, and other aids to the safe operation of watercraft upon public waters. Each safety device must be approved by the United States Coast Guard and recommended by the United States Coast Guard as a uniform waterway marking system.

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

#### **IC 14-15-7-2**

##### **Reciprocal agreements with foreign nations or states**

Sec. 2. The department may enter into reciprocal agreements with foreign nations and other states in areas concerning the operation and inspection of boats carrying passengers for hire from foreign nations and other states that operate in Indiana water.

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

#### **IC 14-15-7-3**

##### **Adoption of rules**

Sec. 3. (a) The department may adopt rules under IC 4-22-2 to implement this article concerning the following:

- (1) Applications for and the issuance of permits and certificates required by this article.
- (2) The conduct of watercraft races.
- (3) Standards of safety for boats used to carry passengers for hire, the determination of the maximum weight that may safely be carried on boats, and the inspection of boats.
- (4) The safe operation of watercraft upon public water where unusual conditions or hazards exist, such as any of the following:
  - (A) An obstruction in or along public water.
  - (B) Watercraft traffic congestion.
  - (C) A beach, boat launch, marina, dam, spillway, or other recreational facility on or adjacent to public water.

(5) The placement, location, and maintenance of the following structures upon public water:

- (A) Buoys.
- (B) Markers.
- (C) Flags.
- (D) Devices that are used for the purposes of swimming or extending the use of water skis, water sleds, or aquaplanes.

(6) The establishment of zones where the use of watercraft may be limited or prohibited for the following purposes:

- (A) Fish, wildlife, or botanical resource management.
- (B) The protection of users.

(7) The regulation of watercraft engaged in group or organized activities or tournaments.

(b) In a rule adopted under subsection (a)(4) or (a)(6), the department may establish a zone where:

- (1) the operation of all or some types of watercraft is prohibited;
- (2) particular activities are restricted or prohibited; or
- (3) a limitation is placed on the speed at which a watercraft may be operated.

*As added by P.L.1-1995, SEC.8. Amended by P.L.38-2000, SEC.4.*

#### **IC 14-15-7-4**

##### **Hearings on rules**

Sec. 4. In adopting rules under IC 4-22-2, a required hearing with respect to a rule adopted under section 3(a)(4) or 3(a)(5) of this chapter shall be held in the affected locality. A notice of the time and place of the hearing shall be published in a newspaper of general circulation in the county in which the hearing is to be held.

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

#### **IC 14-15-7-5**

##### **Rules regarding waters under concurrent jurisdiction**

Sec. 5. The department may adopt rules under IC 4-22-2 that vary from equipment and operational standards specified in this article with respect to water over which Indiana has concurrent jurisdiction with the United States or another state.

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

#### **IC 14-15-7-6**

##### **Repealed**

*(Repealed by P.L.195-2014, SEC.9.)*



**IC 14-15-8**

**Repealed**

*(Repealed by P.L.40-2012, SEC.14.)*

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

### **Chapter 9. Divers**

#### **IC 14-15-9-1**

##### **"Diver" defined**

Sec. 1. As used in this chapter, "diver" means an individual who is:

- (1) wholly or partially submerged in any water of Indiana; and
- (2) equipped with:
  - (A) a face mask and snorkel; or
  - (B) an underwater breathing apparatus.

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

#### **IC 14-15-9-2**

##### **"Divers down flag" defined**

Sec. 2. As used in this chapter, "divers down flag" means a flag that:

- (1) is at least twelve (12) inches wide by twelve (12) inches high;
- (2) is square or rectangular, approximately four (4) units high by five (5) units long; and
- (3) has a white diagonal stripe on a red background that begins at the top staff side of the flag and extends diagonally to the opposite lower corner.

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

#### **IC 14-15-9-3**

##### **"Underwater breathing apparatus" defined**

Sec. 3. As used in this chapter, "underwater breathing apparatus" means an apparatus, whether:

- (1) self contained; or
- (2) connected to a distant source of air or other gas;

that enables an individual wholly or partially submerged in water to obtain or reuse air or any other gas for breathing without returning to the surface of the water.

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

#### **IC 14-15-9-4**

##### **Display of divers down flag**

Sec. 4. (a) A diver shall prominently display a divers down flag in the area in which the diving occurs, except when diving in an area customarily used for swimming only.

(b) The divers down flag:

- (1) must be free flying; and
- (2) shall be lowered when all divers are aboard or ashore.

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

#### **IC 14-15-9-5**

##### **Operation of watercraft within 150 feet of divers down flag; objects in water within 100 feet of divers down flag; supporting watercraft**

Sec. 5. (a) A person may not operate a watercraft within one hundred fifty (150) feet of a divers down flag unless the watercraft is directly involved in supporting the diver who is displaying the flag.

(b) A person may not put an object in the water within one hundred (100) feet of a divers down flag unless the object is used in supporting a diver who is displaying the flag.

(c) A watercraft that is involved in supporting the diver who is displaying the divers down flag shall remain within one hundred (100) feet of the flag.

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

#### **IC 14-15-9-6**

##### **Diving within 150 feet of anchored watercraft**

Sec. 6. A diver may not dive or display a divers down flag within one hundred fifty (150) feet of an anchored watercraft unless the watercraft is directly involved in supporting the diver.

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

#### **IC 14-15-9-7**

##### **Surfacing within 100 feet of divers down flag**

Sec. 7. (a) Except during an emergency, a diver shall surface within one hundred (100) feet of the divers down flag displayed for the diver.

(b) If:

(1) a diver surfaces at a distance greater than one hundred (100) feet from the divers down flag displayed for the diver; and

(2) the diver is injured by a watercraft while surfacing;

the operator of the watercraft is not liable for the injury to the diver unless the operator was negligent in the operation of the watercraft.

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

#### **IC 14-15-9-8**

##### **Violations**

Sec. 8. A person who violates section 4, 5, 6, or 7(a) of this chapter commits a Class C infraction.

*As added by P.L.1-1995, SEC.8. Amended by P.L.195-2014, SEC.10.*

**IC 14-15-10**

**Chapter 10. Enforcement**

**IC 14-15-10-1**

**Enforcement powers of law enforcement officers**

Sec. 1. Indiana law enforcement officers shall enforce the following:

(1) This article.

(2) Rules adopted by the department under this article.

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

**IC 14-15-10-2**

**Enforcement powers of attorney general and prosecuting attorneys**

Sec. 2. The attorney general and prosecuting attorneys have concurrent power to approve, file, and prosecute an affidavit charging a violation of the following:

(1) This article.

(2) The rules adopted under this article.

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

**IC 14-15-10-3**

**Juveniles tried as adults**

Sec. 3. A person at least sixteen (16) years of age and less than eighteen (18) years of age who violates this article may be prosecuted and tried in a court having jurisdiction over adults who violate this article.

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

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

### **Chapter 11. Requirements for Motorboat Operators**

#### **IC 14-15-11-1**

##### **"Bureau" defined**

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

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

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

##### **"Department" defined**

Sec. 2. As used in this chapter, "department" refers to the department of natural resources created by IC 14-9-1-1.

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

#### **IC 14-15-11-3**

##### **"Driver's license" defined**

Sec. 3. As used in this chapter, "driver's license" means:

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

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

#### **IC 14-15-11-4**

##### **"Indiana driver's license" defined**

Sec. 4. As used in this chapter, "Indiana driver's license" means:

- (1) an operator's license;
- (2) a chauffeur's license; or
- (3) a public passenger chauffeur's license;

that is issued to an individual by the bureau of motor vehicles under IC 9-24.

*As added by P.L.57-1995, SEC.8. Amended by P.L.125-2012, SEC.401.*

#### **IC 14-15-11-5**

##### **"Individual" defined**

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

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

#### **IC 14-15-11-6**

##### **"Motorboat" defined**

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

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

(b) The term includes a personal watercraft.

(c) The term includes a sailboat that is equipped with a motor or an engine described in subsection (a)(1) when in operation, whether

or not the sails are hoisted.

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

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

#### **IC 14-15-11-7**

##### **"Personal watercraft" defined**

Sec. 7. As used in this chapter, "personal watercraft" has the meaning set forth in IC 14-8-2-202.5.

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

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

##### **"Public waters" defined**

Sec. 8. As used in this chapter, "public waters" has the meaning set forth in IC 14-8-2-226.

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

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

##### **License requirements**

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

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

(1) has been issued an identification card by the bureau under IC 9-24-16; and

(2) has successfully completed a boating education course approved by the department for the purposes of this chapter.

(c) An individual who:

(1) is at least twenty-one (21) years of age; and

(2) does not hold:

(A) a valid driver's license; or

(B) a driver's license that is suspended or revoked;

may operate a motorboat on public waters if the individual is issued an identification card by the bureau under IC 9-24-16 before January 1, 1996.

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

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

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

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

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

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

**IC 14-15-11-11 Version a**

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

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

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

(1) a person knowingly or intentionally violates this subsection; and

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

the person commits a Class A misdemeanor.

(b) If:

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

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

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

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

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

*As added by P.L.57-1995, SEC.8. Amended by P.L.32-2000, SEC.8; P.L.114-2012, SEC.36.*

**IC 14-15-11-11 Version b**

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

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

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

(1) a person knowingly or intentionally violates this subsection; and

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

the person commits a Class A misdemeanor.

(b) If:

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

(2) the person's suspension or revocation was a result of the person's conviction of an offense (as defined in IC 35-31.5-2-215);

the person commits a Class A misdemeanor. However, notwithstanding IC 35-50-3-2, a person who violates this subsection shall be imprisoned for a fixed term of not less than sixty (60) days and not more than one (1) year. Notwithstanding IC 35-50-3-1, the court may not suspend any part of the sentence except that part of the sentence exceeding sixty (60) days.

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

(d) The bureau, upon receiving a record of conviction of a person on a charge of operating a motorboat while the person's driver's license was suspended, shall extend the period of suspension in accordance with the recommendation of the court that entered the conviction.

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

*As added by P.L.57-1995, SEC.8. Amended by P.L.32-2000, SEC.8; P.L.114-2012, SEC.36; P.L.217-2014, SEC.181.*

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

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

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

(1) owned by the person; or

(2) under the person's control;

to be driven by a person whose operation of the motorboat violates this chapter.



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

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

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

##### **Rules**

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

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

(1) The suspension of a motorboat operator's license under section 14 of this chapter.

(2) The assessment of points under section 17 of this chapter against a person who commits a misdemeanor by operating a motorboat.

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

(1) The duties of the department under this chapter.

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

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

#### **IC 14-15-11-14 Version a**

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

*Note: This version of section effective until 1-1-2015. See also following version of this section, effective 1-1-2015.*

Sec. 14. (a) The bureau may suspend or revoke the driver's license of a person upon the conviction of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8 (before its repeal), IC 35-46-9, or IC 14-15-12.

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

*As added by P.L.57-1995, SEC.8. Amended by P.L.40-2012, SEC.15.*

#### **IC 14-15-11-14 Version b**

##### **Suspension or revocation of driver's license by court; notification to bureau**

*Note: This version of section effective 1-1-2015. See also preceding version of this section, effective until 1-1-2015.*

Sec. 14. (a) A court may suspend or revoke the driver's license of a person upon the conviction of the person of a crime based on a violation of IC 14-15-3, IC 14-15-8 (before its repeal), IC 35-46-9, or IC 14-15-12.

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

*As added by P.L.57-1995, SEC.8. Amended by P.L.40-2012, SEC.15;*

*P.L.217-2014, SEC.182.*

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

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

Sec. 15. (a) A court in which an individual is convicted of a crime based on a violation of IC 14-15-3, IC 35-46-9, IC 14-15-8 (before its repeal), or IC 14-15-12 relating to the operation of a motorboat shall forward a certified abstract of the record of the conviction to the bureau.

(b) If, in the opinion of the court, an individual referred to in subsection (a) should be deprived of the privilege of operating a vehicle or motorboat, the court shall recommend the suspension of the Indiana driver's license issued to the individual for a fixed period. The period of the suspension shall be established by the court but may not exceed one (1) year.

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

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

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

*As added by P.L.57-1995, SEC.8. Amended by P.L.40-2012, SEC.16.*

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

##### **Boating education course**

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

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

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

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

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

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

- (1) IC 14-15-3;
- (2) IC 35-46-9 (or IC 14-15-8 before its repeal); or
- (3) IC 14-15-12.

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

(c) The point study committee appointed by the commissioner under 140 IAC 1-4.5-3, in consultation with the department, shall determine the number of points assessed under subsection (a) for each type of criminal violation of IC 14-15-3, IC 14-15-8 (before its repeal), IC 35-46-9, or IC 14-15-12 based on the evaluation by the committee of the danger to human life, human physical safety, and property posed by the violation.

*As added by P.L.57-1995, SEC.8. Amended by P.L.40-2012, SEC.17.*

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

### **Chapter 12. Regulation of Personal Watercraft**

#### **IC 14-15-12-1**

##### **"Individual" defined**

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

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

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

##### **"Person" defined**

Sec. 2. As used in this chapter, "person" has the meaning set forth in IC 14-8-2-202(a).

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

#### **IC 14-15-12-3**

##### **"Personal watercraft" defined**

Sec. 3. As used in this chapter, "personal watercraft" has the meaning set forth in IC 14-8-2-202.5.

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

#### **IC 14-15-12-4**

##### **"Public waters" defined**

Sec. 4. As used in this chapter, "public waters" has the meaning set forth in IC 14-8-2-226.

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

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

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

Sec. 5. The requirements and prohibitions set forth in this chapter concerning personal watercraft are in addition to the requirements and prohibitions set forth in IC 14-15-3, IC 35-46-9, and IC 14-15-8 (before its repeal).

*As added by P.L.57-1995, SEC.9. Amended by P.L.40-2012, SEC.18.*

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

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

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

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

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

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

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

- (1) the personal watercraft is at least nine (9) feet long;
- (2) the personal watercraft is designed to seat at least three (3) individuals;
- (3) an individual other than the operator of the personal

watercraft is aboard the personal watercraft, acting as an observer; and

(4) the total number of persons on the watercraft and being towed is not more than the capacity of the watercraft.

*As added by P.L.57-1995, SEC.9. Amended by P.L.28-1998, SEC.1; P.L.289-2013, SEC.3.*

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

##### **Personal flotation devices**

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

- (1) operating;
- (2) riding on; or
- (3) being towed by;

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

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

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

##### **Self-circling capability**

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

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

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

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

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

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

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

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

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

in a way that endangers human life, human physical safety, or property.

(3) Jump the wake of another watercraft in a way that endangers human life, human physical safety, or property.

(4) Cut between a boat and the individual or individuals being towed by the boat.

(5) Cross paths with another watercraft when visibility around the other watercraft is so obstructed as to endanger human life, human physical safety, or property.

(6) Steer a personal watercraft toward an object or individual in the water and turn sharply at close range in a way that endangers human life, human physical safety, or property.

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

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

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

Sec. 11. A person who:

(1) owns a personal watercraft; or

(2) has charge over or control of a personal watercraft;

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

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

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

##### **Nonapplicability**

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

(1) a performer engaged in a professional exhibition; or

(2) a person participating in a regatta, a race, a marine parade, a tournament, or an exhibit;

that is held in compliance with rules adopted by the natural resources commission.

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

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

##### **Violations**

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

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

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

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

##### **Implementation**

Sec. 14. The natural resources commission may adopt rules under IC 4-22-2 to implement this chapter.

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

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

### **Chapter 13. Motorboat Watersports**

#### **IC 14-15-13-1**

##### **Application of chapter**

Sec. 1. This chapter does not apply when a motorboat is moored, anchored, docked, or aground.

*As added by P.L.165-2011, SEC.7.*

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

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

Sec. 2. The requirements and prohibitions set forth in this chapter are in addition to the requirements and prohibitions set forth in IC 14-15-2, IC 14-15-3, IC 14-15-4, 14-15-8 (before its repeal), IC 35-46-9, and IC 14-15-12.

*As added by P.L.165-2011, SEC.7. Amended by P.L.40-2012, SEC.19.*

#### **IC 14-15-13-3**

##### **Prohibited acts**

Sec. 3. An individual may not do the following:

- (1) Operate a motorboat inboard or have the inboard engine of a motorboat run idle while an individual is holding onto the swim platform, swim deck, swim step, swim ladder or any part of the exterior of the transom of a motorboat while the motorboat is underway at any speed.
- (2) Operate a motorboat powered by an outboard motor or equipped with an outdrive unit while an individual is:
  - (A) holding onto the swim platform, swim deck, swim step, swim ladder or any portion of the exterior of the transom of a motorboat while the motorboat is underway at any speed;
  - (B) swimming, or floating on or in the wake directly behind a motorboat that is underway; or
  - (C) floating on a board on or in the wake directly behind a motorboat that is underway using the wake itself as the means of propulsion.
- (3) Operate a motorboat with the number of individual riders on a towed device that exceeds the listed capacity on the towed device or the owner's manual.

*As added by P.L.165-2011, SEC.7.*

#### **IC 14-15-13-4**

##### **Violations**

Sec. 4. An individual who violates section 3 of this chapter commits a Class C infraction.

*As added by P.L.165-2011, SEC.7. Amended by P.L.195-2014, SEC.11.*