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TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule LSA Document #04-155

DIGEST

Amends 312 IAC 5-14 governing the inspection, maintenance, and operation of watercraft carrying passengers for hire. Makes numerous substantive and technical changes. Repeals 312 IAC 5-14-5, 312 IAC 5-14-6, and 312 IAC 5-14-26. Effective 30 days after filing with the secretary of state.

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SECTION 1. 312 IAC 5-14-1 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-1 Watercraft carrying passengers for hire; application; delegation; exemptions; maintenance of equipment in a good and serviceable condition

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14-15

Sec. 1. (a) This rule governs the inspection, maintenance, and operation of watercraft carrying passengers for hire **upon public water.**

(b) Except as provided in subsection (c), a person must not operate a watercraft carrying passengers for hire unless the person complies with IC 14-15 and this rule. These requirements apply to the operator and the owner, regardless of whether an operator or owner is onboard.

(c) A person who presents valid and current documentation to evidence a watercraft is regulated and inspected by the United States Coast Guard, and who is in conformance with the regulation and inspection, is exempted from this rule.

~~(b)~~ **(d)** The division director may authorize a qualified person, other than an employee of the department, to conduct an inspection or other function of the department under this rule.

~~(c)~~ **(e)** An owner must maintain all equipment associated with a watercraft carrying passengers for hire in a good and serviceable condition as determined by a marine inspector.

~~(d)~~ ~~AM~~ **(f)** Operations relating to a watercraft carrying passengers for hire must be performed by or on behalf of the

owner according to good marine practice and standards. (*Natural Resources Commission; 312 IAC 5-14-1; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2389, eff Jan 1, 2002*)

SECTION 2. 312 IAC 5-14-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-2 Inspections of watercraft carrying passengers for hire

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14-15-6-3

Sec. 2. (a) ~~Every~~ **An owner must annually apply to the department for an inspection of any** watercraft carrying passengers for hire. ~~and its equipment shall be inspected by~~ **The application must be accompanied by a nonrefundable fee according to the schedule established by IC 14-15-6-3.**

(b) Upon receipt of the application, the department shall inspect the watercraft (and its equipment) to determine whether the watercraft conforms to good marine practice and standards, IC 14-15-6, and to determine the watercraft otherwise conforms with this rule. An inspection shall be conducted at least as frequently as follows:

- (1) One (1) dockside inspection every year.
- (2) One (1) drydock inspection every sixty (60) months.

(c) A watercraft must not be operated until an owner receives approval of the application.

~~(b)~~ **(d)** The department may inspect a watercraft carrying passengers for hire at any other reasonable time. (*Natural Resources Commission; 312 IAC 5-14-2; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2389, eff Jan 1, 2002*)

SECTION 3. 312 IAC 5-14-4 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-4 Main and auxiliary engines

Authority: IC 14-11-2-1; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 4. (a) A watercraft designed for inboard or inboard/outboard (stern drive) main engines ~~shall~~ **must** be fitted with the appropriate number of engines.

(b) The main ~~engine shall~~ **engines must** be an appropriate type and ~~design~~ **designed** for the propulsion requirements of the hull in which the ~~engine is~~ **engines are** installed and ~~shall~~ **must** be capable of operating at a constant marine load without exceeding design limitations.

~~(c) The head, block, and exhaust manifold of the main engine shall be water-jacketed and cooled by water from a pump. This subsection does not apply to a drystack exhaust system.~~ **(c) If a pump is used to supply raw water for cooling an engine and its systems, a self-priming pump that operates whenever the engine is running shall be used.**

(d) If a main engine is fitted with an updraft or sidedraft carburetor, the carburetor ~~shall~~ **must** have integral or properly connected drip collectors of adequate capacity for the return of all drip and overflow to the engine intake manifold.

(e) The exhaust pipe system of a main engine ~~shall~~ **must** be **as follows:**

- (1) Gastight to the hull interior.
- (2) Designed and installed to prevent water from returning to an engine.
- (3) Accessible for complete inspection and repair. ~~and~~
- (4) Supported to prevent undue stress.

A hanger, bracket, or other support ~~shall~~ **must** be made of fireproof material and installed to prevent heat from being transmitted to a combustible material. A water jacket, lag, shield, or another suitable guard ~~shall~~ **must** be provided to protect an individual or a combustible material from contact with any hot surface.

(f) After consulting with the state boating law administrator, a boating inspector may establish special requirements **which that** conform to good marine practice and standards to inspect and evaluate a main engine that uses **any of the following**:

- (1) Steam.
- (2) Electricity.
- (3) A gas turbine.
- (4) An air screw.
- (5) A hydraulic jet. ~~or~~
- (6) Another unusual mechanism.

(g) Any auxiliary engine must be installed on a watercraft according to good marine practice and standards. (*Natural Resources Commission; 312 IAC 5-14-4; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2390, eff Jan 1, 2002*)

SECTION 4. 312 IAC 5-14-5.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-14-5.1 Gasoline engines; ventilation

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 5.1. (a) A watercraft that uses gasoline for electrical generation, mechanical power, or propulsion must be equipped with a ventilation system. Each system must meet the standards of 33 CFR Part 183, Subpart K (Ventilation), and as follows:

- (1) **A natural ventilation system must provide for a supply opening (duct or cowl) that is located:**
 - (A) on the exterior surface of the watercraft;
 - (B) in a ventilated compartment; or
 - (C) in a compartment that is open to the atmosphere.
- (2) **A natural ventilation system must be provided for each compartment in a watercraft that:**
 - (A) contains a permanently installed gasoline engine;
 - (B) has openings between it and a compartment that requires ventilation;
 - (C) contains a permanently installed fuel tank and an electrical component that is not ignition-protected;
 - (D) contains a fuel tank that vents into that compartment (including a portable tank); or
 - (E) contains a nonmetallic fuel tank.
- (3) **An exhaust opening or exhaust duct must originate in the lower one-third (1/3) of the compartment. Each supply opening or supply duct and each exhaust opening or duct in a compartment must be above the normal accumulation of bilge water.**
- (4) **A powered ventilation system, as follows, must be provided for each compartment in a watercraft that has a permanently installed gasoline engine with a cranking motor for remote starting:**
 - (A) A powered ventilation system consists of one (1) or more exhaust blowers.
 - (B) Each intake duct for an exhaust blower must be in the lower one-third (1/3) of the compartment and above the normal accumulation of bilge water.

(b) A watercraft that is required to have an exhaust blower must have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information: WARNING—GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE, OPERATE BLOWER FOR 4 MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE VAPORS.

(c) The ventilation system must be kept in good operating condition. Openings must be free of obstructions. Ducts must not be blocked or torn. Blowers must operate properly. Worn components must be replaced with equivalent marine-type equipment. (*Natural Resources Commission; 312 IAC 5-14-5.1*)

SECTION 5. 312 IAC 5-14-6.1 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-14-6.1 Diesel engines; ventilation

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 6.1. Power or natural ventilation is not required for a watercraft equipped with diesel engines but may be used to control compartment temperature. Power ventilation may be used in the machinery space for odor control or for personnel comfort while servicing equipment. *(Natural Resources Commission; 312 IAC 5-14-6.1)*

SECTION 6. 312 IAC 5-14-7 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-7 Fixed fuel tanks

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 7. (a) A fixed fuel tank on a watercraft must be installed as follows:

- (1) To permit examination with a minimum disturbance to the hull structure.
- (2) With adequate support and bracing to prevent movement. The support and braces shall be insulated from contact with the tank surfaces with a nonabrasive and nonabsorbent material.
- (3) With openings for fill and vent pipes and for fuel level gauges, where used, on the topmost surfaces of the tank. ~~The tank shall not have openings in the bottom, sides, or ends, except that an opening fitted with a threaded plug or cap may be used for cleaning the tank.~~

(b) Fixed fuel tank piping must be installed as follows:

(1) Fuel supply lines to the engine shall be tubing of copper, nickel-copper, steel, or United States Coast Guard approved Type A flexible fuel line and shall run as directly as practicable from the tank to the engine.

Fuel supply lines shall have suitable support, and a readily accessible manually operated, in-line shutoff valve installed as close to the fuel tank as practicable, ~~Fuel supply lines shall have and~~ suitable protection from mechanical injury at supports and where passing through bulkheads and structural members.

(2) ~~Metal fuel supply lines shall be fitted with flexible vibration hose placed as closely as practicable to the engine.~~

(b) Each metallic fuel line connecting the fuel tank with the fuel inlet connection on the engine must be as follows:

(1) Be made of seamless annealed copper, nickel copper, or copper-nickel.

(2) Except for corrugated flexible fuel line, have a wall thickness of at least twenty-nine thousandths (0.029) inch.

(3) (c) A filling pipe ~~shall must~~ be fitted to the highest point of the fuel tank. ~~and shall have an inside diameter of at least one and one-fourth (1¼) inches.~~

(4) (d) A fuel tank ~~shall must~~ be fitted with a marine-type fuel gauge or a sounding pipe if sounding cannot be accomplished through the filling pipe.

(5) A filling or sounding pipe ~~shall must~~ not permit overflow of liquid or vapor to escape to the inside of a watercraft.

(6) (e) A vent pipe ~~shall must~~ be connected to the top of the fuel tank ~~and shall be~~ as follows:

(A) (1) Installed to prevent accidental water contamination of the fuel

(B) Fitted with a removable flame screen at the point of termination: **arrester that can be cleaned unless the vent is itself a flame arrester.**

(C) Having (2) Have an inside diameter of at least seven-sixteenths ($7/16$) of an inch.

(D) Terminating (3) **Terminate** on the hull exterior as far as practicable from hull openings and below the deck spaces.

(7) ~~No~~ (f) A device ~~shall must not~~ allow fuel to be drawn below the decks.

(8) (g) Accessories in a fuel line ~~shall must~~ be properly supported.

(c) ~~The owner or operator of~~ (h) A watercraft **equipped** with a fixed fuel system ~~shall must not be used to transport~~

fuel onboard the watercraft outside the fixed fuel system unless the fuel is transported in conjunction with an auxiliary outboard engine. Fuel may be transported only in portable fuel tanks provided by a manufacturer of outboard engines and shall be safely secured outside the engine or living compartment.

~~(d)~~ (i) During a fueling operation, a person must not smoke onboard a watercraft.

~~(e)~~ During a fueling operation, the operator of a watercraft must not allow passengers and no passenger may be allowed onboard.

~~(f)~~ (j) A fixed fuel system ~~shall~~ **must** be grounded by an electrical connection to a common ground, by welding or bolting to a metal bulkhead of a metal hull vessel or by electrical connection to the rudder, struts, or metal grounding plate. If flexible vibration hose is installed, metal grounding straps or wires ~~shall~~ **must** maintain ground continuity. *(Natural Resources Commission; 312 IAC 5-14-7; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2391, eff Jan 1, 2002)*

SECTION 7. 312 IAC 5-14-8 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-8 Portable fuel tanks

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 8. (a) ~~The operator of~~ A watercraft with a portable fuel tank system must **not** carry fuel onboard **unless the fuel is carried** in an approved fuel tank.

(b) A portable fuel tank must be secured to prevent shifting while under way.

~~(c) A portable fuel tank must be connected to an approved flexible fuel line that is long enough to fill the tank without removal from its secured location.~~ *(Natural Resources Commission; 312 IAC 5-14-8; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2392, eff Jan 1, 2002)*

SECTION 8. 312 IAC 5-14-9 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-9 Electrical systems

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 9. (a) An electrical system must:

- (1) be properly grounded and safe for any anticipated usage; **and**
- (2) **satisfy 33 CFR 183, Subpart I.**

(b) Electrical wiring ~~shall~~ **must** be placed as follows:

- (1) As high as practicable above the ~~bilges~~: **bilge water level and other areas where water may accumulate. If wiring must be routed in the bilge or other areas where water may accumulate, the connections shall be watertight.**
- (2) Supported with fasteners that will not damage the wiring or structural members of the watercraft. **Supported by wiring throughout its length or secured at least every eighteen (18) inches.**
- (3) Protected against chafing where passing through bulkheads or other structural members.
- (4) **Have wiring routed as far away as practicable from exhaust pipes and other heat sources.**
- (5) **Connected with crimp-type or another appropriate set-screw pressure type. Twist-on (wire nut) type connectors must not be used.**
- (6) **Have the proper size of stranded copper with insulation having an appropriate size and color.**

(c) An electrical storage battery must be as follows:

- (1) Compatible with the electrical system.
- (2) Located so gas generated in charging the battery is properly ventilated.

- (3) Easily accessible.
 - (4) Suitably supported and secured against shifting with the motion of the watercraft.
 - (5) Located in a tray or box ~~which that~~ is liquid tight and large enough to retain normal spillage or boilover of the electrolyte. The tray or box shall be protected by noncorrosive material.
 - (6) Covered or otherwise suitably protected against an accidental short-circuiting of battery terminals.
- (Natural Resources Commission; 312 IAC 5-14-9; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2392, eff Jan 1, 2002)*

SECTION 9. 312 IAC 5-14-11 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-11 Bilge pumps and bailout devices

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 11. (a) A watercraft constructed with bilges or enclosed spaces below the decks must be fitted with ~~at least two~~ ~~(2)~~ **electrical an adequate number and proper size of bilge pumps** ~~All so that excess bilge water can be removed from the bilges at static floating position, and at maximum conditions created by the boat's motion, heel, and trim.~~ Bilge areas must be accessible by a bilge pump.

(b) A bilge pump **with automatic controls** must be equipped with an indicator light or an alarm system. ~~At least one~~ ~~(1)~~ ~~of the bilge pumps must~~ **provided with a readily accessible manual switch to activate automatically if excessive water accumulates in the bilges: pump.**

(c) A bilge pump ~~indicator light~~ **with automatic controls** must be located at the helm position used most often and ~~as close~~ **provided with a visual indication that power is being supplied** to the bilge pump. ~~switch as practicable.~~

(d) A watercraft must be equipped with a bailing device that is manually operated. **A bucket is not a manually operated bailing device for purposes of this section.** *(Natural Resources Commission; 312 IAC 5-14-11; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2393, eff Jan 1, 2002)*

SECTION 10. 312 IAC 5-14-15 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-15 Main engine gauges

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 15. (a) On a watercraft designed for inboard or inboard/outboard (stern drive) main engines, the following gauges ~~shall~~ **must** be readable from each helm position:

- (1) A gauge to indicate the main engine cooling water temperature for each main engine.
- (2) A gauge to indicate ~~the~~ main engine lubrication oil pressure for each main engine.

(b) **An engine and transmission for inboard propulsion manufactured after August 1, 1997, must be equipped with an indicator at any helm position to show the following:**

- (1) Engine rpm as indicated by a tachometer.
- (2) Temperature, indicating the approach of unsatisfactorily high temperature of the liquid cooling system.
- (3) For an air-cooled engine, the approach of unsatisfactorily high engine or exhaust duct temperature.
- (4) Oil pressure, indicating insufficient lubricating oil pressure for an engine having a pressure lubricating system.
- (5) **Battery charging system, indicating failure of the charging system to operate properly.**

(Natural Resources Commission; 312 IAC 5-14-15; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2394, eff Jan 1, 2002)

SECTION 11. 312 IAC 5-14-16 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-16 Personal flotation devices (life preservers or life jackets)

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 16. (a) If a marine inspector determines a personal flotation device (**life preserver or life jacket**) carried onboard a watercraft is not in good and serviceable condition, the marine inspector shall write on the personal flotation device that the device is no longer serviceable. The owner of a watercraft must immediately replace any nonserviceable personal flotation device or must reduce the number of passengers ~~carried on-board the watercraft~~ so as not to exceed the number of serviceable personal flotation devices. ~~carried.~~

(b) Each personal flotation device must be carried in a suitable location that is readily accessible to passengers.

(c) A container for personal flotation devices must be clearly marked “Life Preservers” or “**Life Jackets**” and must set forth the number of serviceable devices. Letters and numbers must be at least one (1) inch high and must be a color contrasting with the color of the container. The container shall indicate the size of the devices. Differing sizes must be separately stored.

(d) A personal flotation device on a documented watercraft must be marked with the name or documentation number of the watercraft in characters at least one (1) inch high ~~which that~~ contrast with the color of the device.

(e) A personal flotation device on an undocumented watercraft must be marked with the name or registration number of the watercraft in characters at least one (1) inch high ~~which that~~ contrast with the color of the device. *(Natural Resources Commission; 312 IAC 5-14-16; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2394, eff Jan 1, 2002)*

SECTION 12. 312 IAC 5-14-17 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-17 Fire extinguishers

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 17. (a) A watercraft must be equipped with at least the minimum number of portable fire extinguishers located as follows:

Compartmented Watercraft Length	Class	Minimum Number of Extinguishers No fixed systems	Locations With approved fixed system
Less than 26 feet	B+	≥ 1 B-I	Helmsman's position and cabin 0
26 feet to less than 40 feet	B+	≥ 2 B-I or 1 B-II	Accessible to the engine compartment; helmsman's position; and galley 1 B-I
40 feet or over to less than 65 feet	B+	4 3 B-I or 1 B-II and 1 B-I	Accessible to the engine compartment; helmsman's position; crew quarters; and galley 2 B-I or 1 B-II
65 feet to less than 90 feet		4 B-I or 2 B-II	3 B-I or 2 B-II
90 feet to less than 125 feet		5 B-I or 3 B-II and 1 B-I	4 B-I or 3 B-II
Over 125 feet		6 B-I or 4 B-II and 1 B-I	5 B-I or 4 B-II

(b) Where at least three (3) B+ units are required, the extinguishing capacity may consist of a small number of B2 units if each location is protected with a readily accessible extinguisher.

(c) The owner of a watercraft shall regularly examine all fire extinguishers for tampering, corrosion, and other damage.

(d) A foam extinguisher must be annually discharged, cleaned, inspected for mechanical defects or corrosion, and recharged.

(e) A dry chemical extinguisher must maintain the specified chemical weight. The cartridge must be reweighed annually. A cartridge that weighs less than specified must be replaced with a full cartridge or recharged. An extinguisher with a gauge must be recharged if the pressure falls below the prescribed operating limits.

(f) A carbon dioxide extinguisher must be reweighed annually. A cylinder must be recharged which weighs less than the weight indicated on the name-plate.

(b) A fire extinguisher must have the U.S. Coast Guard approval 162.028 or have an Underwriters Laboratory Marine listing.

(c) A portable fire extinguisher without a gauge must be inspected at least every six (6) months and must have an inspection card attached.

(d) A pressure-filled fire extinguisher must be hydrostatically pressure tested at least every five (5) years.

~~(g)~~ **(e)** The maintenance required under subsections (c) ~~through (e)~~ **shall and (d) must** be performed by a qualified firefighting equipment repair service. *(Natural Resources Commission; 312 IAC 5-14-17; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2394, eff Jan 1, 2002)*

SECTION 13. 312 IAC 5-14-18 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-18 First aid equipment; emergency procedures

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 18. (a) ~~The owner shall maintain on-board a watercraft~~ **At least one (1) standard sixteen (16) unit first aid kit must be maintained onboard. Included in the kit are the following:**

- (1) Adhesive bandages.**
- (2) Fingertip and knuckle bandages.**
- (3) Nonstick pads.**
- (4) 36" × 36" bandage that can also be used as a sling.**
- (5) Antibiotic ointment.**
- (6) Cold compress.**
- (7) Examination gloves.**
- (8) Ibuprofen tablets.**
- (9) Cleansing wipes.**
- (10) First aid tape.**
- (11) Finger splints.**
- (12) Scissors.**
- (13) Tweezers.**
- (14) Conforming gauze.**
- (15) Sterile eye pads.**
- (16) American Medical Association first aid guidebook.**

(b) ~~The owner must post, in a conspicuous location on-board the watercraft,~~ **An emergency procedures list to include must be maintained in a conspicuous location onboard that includes** the following:

- (1) The following for **marine VHF radio telephone** distress:
 - (A) Switch to channel 16 (United States Coast Guard).
 - (B) Signal "MAYDAY" three (3) times.
 - (C) Give the boat name, type, and color.
 - (D) Give the position.

- (E) Describe the emergency.
- (2) The following for a person overboard:
 - (A) Post a lookout.
 - (B) Throw over a flotation device or the water light.
 - (C) Do not jump into the water unless the person is a small child, elderly, or handicapped.
 - (D) Maneuver to return for pickup.
 - (E) Use additional markers.
 - (F) Get victim onboard.
 - (G) Call for help if necessary.
- (3) The following for an explosion:
 - (A) Be ready to go overboard with personal flotation device (life ~~preserver~~: **jacket**).
 - (B) When clear of danger, account for all passengers and assist.
 - (C) Stay together.
- (4) The following for a fire:
 - (A) If possible, use a fire extinguisher.
 - (B) If practicable, jettison burning materials.
 - (C) Reduce air supply.
 - (D) Assemble at opposite end of boat.
 - (E) Prepare to abandon ship. Put on life ~~preserver~~ **jacket** and signal for help by radio or any means available.
- (5) The following for leaks or damage control:
 - (A) Put on life ~~preserver~~: **jacket**.
 - (B) Check bilge pump operation.
 - (C) Pull up all decks and floorboards to search for leaks.
 - (D) Slow or stop boat as needed. You may need to stay on plane to keep hole above water if appropriate.
 - (E) Stop engine, close sea cock for engine cooling, disconnect hose, and place end in bilge. Start engine to act as bilge pump.
 - (F) Cover large hole from outside of boat with mattress or similar device.
 - (G) Use radio to call for help: channel 16 (United States Coast Guard).

(Natural Resources Commission; 312 IAC 5-14-18; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2395, eff Jan 1, 2002)

SECTION 14. 312 IAC 5-14-19 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-19 Cooking, heating, and lighting

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14-15-2-9

Sec. 19. (a) ~~While carrying passengers, galley stoves shall be operated only by the owner, the operator, or a crew member. None of the following may be carried onboard a watercraft by a person:~~

- (1) Gas.
- (2) Liquefied gas.
- (3) **Another flammable liquid capable of being used for cooking, heating, or lighting.**

(b) Notwithstanding IC 14-15-2-9, a galley stove that is designed for gas or liquified gas may be retained onboard. However, electricity must be used as the exclusive source to power any appliance or equipment used for heating, cooking, or lighting. The owner, the operator, or a crew member shall must be present in the galley if the galley when an electric stove is being operated: in operation.

~~(b)~~ (c) Heating and cooking appliances must be each of the following:

- ~~(1)~~ Electrically powered:
- ~~(2)~~ (1) Commonly manufactured for use onboard a watercraft.
- ~~(3)~~ (2) Installed in adequately ventilated areas.
- ~~(4)~~ (3) Securely fastened to the watercraft.

~~(c)~~ (d) Woodwork and other combustible materials immediately surrounding heating appliances must be effectively

insulated with noncombustible material. (*Natural Resources Commission; 312 IAC 5-14-19; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2395, eff Jan 1, 2002*)

SECTION 15. 312 IAC 5-14-20 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-20 Portable battery operated light (flashlight)

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 20. (a) The owner of a watercraft which operates on navigable waters shall have on-board the watercraft at least one (1) option from the following Coast Guard-approved visual distress signals:

Option	Number Required	Type	Accepted
(1)	3	Hand-held red flare with manufactured date of October 1, 1980, or later	Day and night
(2)	3	Hand-held, rocket-propelled parachute red flare	Day and night
(3)	1	Orange flag distress signal for boats and electric distress light for boats	Day only Night only
(4)	3	Floating or hand-held orange smoke and electric distress light for boats	Day only Night only
(5)	3	Floating or hand-held orange smoke and option (1) or option (2)	Day only Day and night
(6)	1	Orange distress flag for boats and option (1) or option (2)	Day only Day and night

(b) A person must not display a visual distress signal on the waters of the state except in an emergency.

(c) A Coast Guard-approved electric distress light for boats that activates automatically upon contact with the water and flashes a high intensity light (CG 161-010) meets the nighttime requirements of this section.

(d) The owner must have on-board the A watercraft **must have onboard** at least one (1) portable battery operated light (flashlight) that is powered by D cells or larger size batteries. (*Natural Resources Commission; 312 IAC 5-14-20; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2395, eff Jan 1, 2002*)

SECTION 16. 312 IAC 5-14-21 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-21 Certificate of inspection; issuance; posting; revocation

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 4-21.5-3-8; IC 4-21.5-4; IC 14-15

Sec. 21. (a) Upon satisfactory completion of the required drydock and annual dockside inspections, the department shall issue a certificate of inspection to expire ~~on May 31 of the following~~ **one (1) year after the date on which the watercraft was inspected**. The department may extend the expiration date for a period not to exceed thirty (30) days if ~~an conditions exist that would prevent the inspection is incomplete on May 31 of the watercraft before the first anniversary of the previous inspection.~~

(b) ~~The owner shall frame~~ **Except as provided in this subsection, the certificate of inspection must be placed** under transparent material and ~~post the certificate~~ **posted** conspicuously on the watercraft. ~~However, If posting is impracticable, the certificate shall~~ **must** be kept onboard and shown on demand.

(c) **The department shall issue** stickers ~~shall be issued~~ with each certificate. ~~and The stickers must be~~ affixed conspicuously to the port and starboard sides of the watercraft.

(d) The department may, under IC 4-21.5-3-8 or IC 4-21.5-4, revoke a certificate issued under this section for any of

the following reasons:

- (1) Changes occur to a watercraft after the issuance of the certificate so that the watercraft no longer meets the minimum standards for certification.
- (2) The owner, the captain, or a crew member violates IC 14-15 or this rule.
- (3) Information significant to the issuance of the certificate has been falsified or concealed.

(Natural Resources Commission; 312 IAC 5-14-21; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2396, eff Jan 1, 2002)

SECTION 17. 312 IAC 5-14-22 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-22 Pilot's license on waters of concurrent jurisdiction

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14

Sec. 22. (a) **A pilot's license is required to operate a watercraft on waters of concurrent jurisdiction.**

(b) Except as provided in this subsection, the pilot's license of a pilot operating a watercraft carrying passengers for hire shall must be framed under transparent material and posted conspicuously on the watercraft. If display is impracticable, the pilot's license shall must be carried onboard and shown on demand. ~~A pilot's license is not required for a watercraft operating solely on inland waters.~~ *(Natural Resources Commission; 312 IAC 5-14-22; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2396, eff Jan 1, 2002)*

SECTION 18. 312 IAC 5-14-24 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-24 Watercraft carrying six or fewer passengers for hire on waters of concurrent jurisdiction

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 24. (a) This section establishes requirements for watercraft carrying six (6) or fewer passengers for hire ~~other than sailboats, which on waters of concurrent jurisdiction that~~ are supplemental to the other requirements of this rule.

(b) The requirements for ~~a deck rails rail~~ are as follows:

- (1) A watercraft must have ~~a deck rails rail~~ or an equivalent protection at the periphery of ~~a weather decks, deck,~~ including the cockpit, that ~~are is~~ accessible to the passengers and crew. The top rail course of ~~the a deck rails shall rail must~~ be at least ~~twenty-six (26) twenty-four (24)~~ inches above the deck. However, this subdivision does not apply to an open boat. ~~operating exclusively on rivers.~~
- (2) ~~A deck rails rail must consist of have~~ evenly spaced horizontal courses. ~~The spacing between courses must not be greater than thirteen (13) inches. Rail courses are not required if the space between the top rail course and the deck is fitted with a bulwark, chain link fencing, wire mesh, or an equivalent protection.~~
- (3) A watercraft with a flying bridge must have suitable deck rails or an equivalent protection at the periphery of the flying bridge deck.
- (4) An open boat ~~that operates exclusively on rivers~~ must have suitable deck rails or an equivalent protection.
- (5) A deck rail may be removed or modified while a watercraft is anchored and passengers are engaged in a diving operation.

(c) ~~The requirements for personal flotation devices and water lights are as follows:~~ **A watercraft must have the following onboard:**

- (1) ~~The owner of a watercraft, except an open boat operating exclusively on inland waters, must carry onboard One~~
 - (1) Type I personal flotation device of proper size for each passenger and crew member. ~~Each device shall be inspected during the dockside inspection.~~
 - (2) ~~The owner of a watercraft shall affix in a suitable manner, Suitably affixed, to both~~ the outside and the inside of each Type I personal flotation device, two hundred (200) square centimeters (approximately thirty-one and one-half (31.5) square inches) of Coast Guard-approved retroreflective material.
 - (3) ~~The owner of a watercraft operating on navigable waters or inland lakes must have onboard the watercraft~~ A ring life buoy at least twenty (20) inches in diameter. The ring life buoy must be properly marked, readily accessible, and

suitably attached to at least ~~fifty (50)~~ **sixty (60)** feet of floating line **that is resistant to deterioration from ultraviolet light.**

(4) The owner of a watercraft, except an open boat operating exclusively on inland waters, must provide A Coast Guard-approved water light that is self-activating upon contact with the water. The light ~~shall~~ **must** be stored in a readily accessible location near the ring life buoy. If the light is attached to a ring life buoy, the attachment line must be at least ~~one (1) foot~~ **three (3) feet long, but not more than six (6) feet long.**

(5) The owner of an open boat operating exclusively on inland waters must provide one (1) Type I personal flotation device, Type II personal flotation device, or Type III personal flotation device of proper size for each passenger or crew member. One (1) unicellular plastic foam Type IV throwable device must also be carried. Each device shall be inspected at the dockside inspection.

(d) The owner of A watercraft that operates on Lake Michigan must have onboard, in good working condition, a marine VHF radio telephone and a **properly compensated** marine compass. The owner must maintain a current Federal Communication Commission operator's license for the marine radio-telephone.

(e) A watercraft, except an open boat or other watercraft where suitable privacy enclosures are not practicable, must be equipped with at least one (1) toilet ~~which that~~ **that** complies with IC 14-15-2-7 and IC 14-15-2-8. ~~No bypass shall be attached to a system line or hose which will allow wastewater to be discharged into the waters of this state.~~

(f) The requirements for anchors and anchor lines are as follows:

(1) A watercraft must be equipped with an anchor of a suitable size and type.

(2) A line must be attached to the anchor by eye splice, thimble, and shackle.

(3) The anchor and line must be readily available onboard the watercraft for quick deployment and must have a minimum length as follows:

~~(A) At least thirty (30) feet for a watercraft that operates exclusively on rivers:~~

~~(B) (A) At least ~~seventy-five (75)~~ **one hundred (100)** feet for a watercraft that operates ~~exclusively on rivers and lakes other than on~~ **on** Lake Michigan.~~

~~(C) (B) At least ~~seventy-five (75)~~ feet attached to a sea anchor and at least ~~one hundred fifty (150)~~ **two hundred (200)** feet attached to ground tackle for a watercraft that operates on Lake Michigan.~~

(g) A watercraft must have onboard at least one (1) of the following Coast Guard-approved visual distress signals:

Option	Number Required	Type	Accepted
(1)	3	Hand-held red flare	Day and night
(2)	3	Hand-held, rocket-propelled parachute red flare	Day and night
(3)	1	Orange flag distress signal for boats and electric distress light for boats	Day only Night only
(4)	3	Floating or hand-held orange smoke and electric distress light for boats	Day only Night only
(5)	3	Floating or hand-held orange smoke and option (1) or option (2)	Day only Day and night
(6)	1	Orange distress flag for boats and option (1) or option (2)	Day only Day and night

(1) A person must not display a visual distress signal except in an emergency.

(2) A Coast Guard-approved electric distress light meeting the standards of 46 CFR 161.013, that automatically flashes the international SOS signal (...---...), meets the nighttime requirements of this subsection.

(3) An orange flag that conforms to 46 CFR 160.072 meets the daytime requirements of this subsection.

(4) Pyrotechnics required by this section must be:

(A) readily accessible; and

(B) in serviceable condition.

If indicated by a date marked on the signal, the service life of the signal must not be expired.

(h) The following additional requirements apply to a sailboat:

(1) The standing rigging and spars shall be inspected during the drydock inspection. Any mast must be unstepped to allow for close inspection of the components, fittings, and systems.

(2) The running rigging shall be inspected during the dockside inspection, but a mast is not required to be unstepped.

(3) A sailboat with wheel steering must have an emergency tiller that can be deployed if the wheel steering fails.

(Natural Resources Commission; 312 IAC 5-14-24; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2396, eff Jan 1, 2002)

SECTION 19. 312 IAC 5-14-25 IS AMENDED TO READ AS FOLLOWS:

312 IAC 5-14-25 Watercraft carrying more than six passengers for hire

Authority: IC 14-10-2-4; IC 14-15-7-3; IC 14-15-7-5

Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 25. (a) This section establishes requirements for watercraft carrying more than six (6) passengers for hire ~~other than sailboats~~, that are supplemental to the other requirements of this rule.

(b) **Except on an open boat**, a deck rail **or a life line** on a passenger deck must be at least ~~thirty-six (36)~~ **twenty-four (24)** inches high. ~~The space between the top rail course and the deck must be fitted with a bulwark, chain link fencing, wire mesh, or an equivalent protection. A deck rails rail~~ may be removed or modified while a boat is anchored and passengers are engaged in a diving operation.

(c) Fixed or portable seats must be placed so that aisles not more than fifteen (15) feet long are at least twenty-four (24) inches wide and aisles more than fifteen (15) feet long are at least thirty (30) inches wide. If seats are in rows, the distance from seat front to seat front must be at least thirty (30) inches. Seat spacing must provide for ready escape during a fire or another emergency.

(d) A watercraft that carries vehicles must have suitable chains, cable, or other barriers at the end of a vehicle runway. Suitable gates, rails, or other devices must also be installed as a continuation of the regularly required rails.

(e) ~~The requirements for personal flotation devices and water lights are as follows~~ **A watercraft must have the following onboard:**

(1) ~~The owner of a watercraft must carry onboard~~ One (1) Type I personal flotation device, Type II personal flotation device, or Type III personal flotation device of proper size for each passenger and crew member. ~~Each device shall be inspected at the dockside inspection.~~

(2) ~~The owner of a watercraft shall affix in a suitable manner, to both the outside and the inside of each personal flotation device, two hundred (200) square centimeters (approximately thirty-one and one-half (31.5) square inches) of Coast Guard-approved retroreflective material.~~

(3) ~~The owner of a watercraft must have onboard the watercraft~~ **(2) Except as provided in this subdivision for an open boat**, a ring life buoy at least twenty (20) inches in diameter. The ring life buoy must be properly marked, readily accessible, and suitably attached to at least ~~fifty (50)~~ **sixty (60)** feet of floating line **that is resistant to deterioration from ultraviolet light. An open boat must have a Type IV personal flotation device.**

(4) ~~The owner of a watercraft, except a watercraft operating exclusively on rivers, must provide a Coast Guard-approved water light that is self-activating upon contact with the water. The light shall be stored in a readily accessible location near the ring life buoy. If the light is attached to a ring life buoy, the attachment line must be at least one (1) foot long.~~

(f) **Unless impracticable**, a watercraft must be equipped with at least one (1) toilet that complies with IC 14-15-2-7 and IC 14-15-2-8. No bypass shall be attached to a system line or hose ~~which that~~ will allow wastewater to be discharged into the waters of this state.

(g) **Firefighting equipment must be provided as follows:**

(1) **In addition to the fire extinguishers required by section 17 of this rule, a power driven fire pump system shall be**

carried on-board a watercraft which is authorized to carry more than forty-nine (49) passengers. The power driven fire pump system shall be self-priming and large enough to discharge an effective stream from a hose connected to the highest outlet of the pump. The power driven fire pump may be driven by a propulsion engine or another source of power. The pump may also be connected by the bilge system to serve either as a fire pump or a bilge pump.

(2) The power driven fire pump system shall be adequate to allow any part of the watercraft to be reached with an effective stream of water from one (1) length of hose.

(3) At least one (1) length of fire hose shall be attached to each power driven fire pump or hydrant. Fire hose may be commercial hose or an equivalent which is not more than one and one-half (1½) inches in diameter or garden hose not less than five-eighths (5/8) inch nominal inside diameter. A fire hose shall be in one (1) piece and between twenty-five (25) and fifty (50) feet long. Garden hose must be a good commercial grade that includes each of the following:

(A) An inner tube.

(B) Plies made with braided cotton reinforcement.

(C) An outer cover made with rubber or an equivalent material.

(D) A commercial garden hose nozzle made with brass or an equivalent material.

(g) A watercraft that has a fixed fire extinguishing system must satisfy 46 CFR 76.05-20.

(h) The requirements for anchors and anchor lines are as follows:

(1) A watercraft must be equipped with an anchor of a suitable size and type.

(2) A line must be attached to the anchor by eye splice, thimble, and shackle. The anchor line must be readily available onboard the watercraft **for quick deployment** and must have a minimum length as follows:

(A) At least ~~thirty (30)~~ **fifty (50)** feet for a watercraft that operates exclusively on rivers.

(B) At least ~~seventy-five (75)~~ **one hundred (100)** feet for **a any other** watercraft. ~~that operates exclusively on rivers and lakes other than Lake Michigan.~~

(i) The following additional requirements apply to a sailboat:

(1) The standing rigging and spars shall be inspected during the drydock inspection. Any mast must be unstepped to allow for close inspection of the components, fittings, and systems.

(2) The running rigging shall be inspected during the dockside inspection, but a mast is not required to be unstepped.

(3) A sailboat with wheel steering must have an emergency tiller that can be deployed if the wheel steering fails.

(Natural Resources Commission; 312 IAC 5-14-25; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2397, eff Jan 1, 2002)

SECTION 20. 312 IAC 5-14-27 IS ADDED TO READ AS FOLLOWS:

312 IAC 5-14-27 Reciprocity for a Michigan certification

Authority: IC 14-10-2-4; IC 14-15-7

Affected: IC 14-15-2-7; IC 14-15-2-8

Sec. 27. **As an alternative to certification under this rule, the department grants reciprocity to a certification, issued under Michigan Administrative Code 281.3101 through 281.3506, for a watercraft carrying passengers for hire.** *(Natural Resources Commission; 312 IAC 5-14-27)*

SECTION 21. THE FOLLOWING ARE REPEALED: 312 IAC 5-14-5; 312 IAC 5-14-6; 312 IAC 5-14-26.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on September 27, 2004 at 10:30 a.m., at the Department of Natural Resources Field Office, 100 West Water Street, Michigan City, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments concerning the inspection, maintenance, and operation of watercraft carrying passengers for hire. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Michael Kiley
Chairman
Natural Resources Commission