NASBLA MODEL ACT FOR COMMERCIAL PARASAILING REQUIREMENTS

The National Association of State Boating Law Administrators, Enforcement & Training Committee, at the request of the National Transportation Safety Board, developed this act. (See NTSB Recommendation (M-14-013)) In developing the act, the committee relied upon the knowledge and experience from the State of Florida. While this act addresses a commercial activity outside the realm of recreational boating safety, the association proceeded with development of the act as a number of member states’ agencies are charged with regulating and enforcing laws in their respective states for these activities.

AN ACT relating to creating section [State Specific Reference], related to commercial parasailing requiring the owner or operator of a vessel engaged in commercial parasailing to ensure that specified requirements are met; requiring the owner of a vessel engaged in commercial parasailing to obtain and maintain an insurance policy; providing minimum coverage requirements for the insurance policy; providing requirements for proof of insurance; specifying the insurance information that must be provided upon request; requiring certain equipment to be onboard for use; requiring inspection and maintenance of equipment; prohibiting commercial parasailing unless certain equipment is present on the vessel and certain weather conditions are met; requiring passengers going aloft are to wear an approved life jacket; requiring the operator to have a current and valid license issued by the United States Coast Guard; requiring crewmember training and documentation; requiring the operator to have documented proof of qualification to be master of a commercial parasailing vessel; requiring that a weather log, a maintenance and inspection log, and a drill and training log be maintained and made available for inspection; providing a criminal penalty; amending sections [State Specific Reference]; conforming cross-references; providing an effective date.

Section 1. [Short Title.] This act may be cited as the Commercial Parasailing Act.

Section 2. [Applicability.] The provisions of this act apply to the owner or operator of a vessel engaged in commercial parasailing that is operated on waters of this state.

Section 3. [Definition.] As used in this act:
(1) “Commercial parasailing" means providing or offering to provide, for consideration, any activity involving the towing of a person by a motorboat if:
(a) one or more persons are tethered to the towing vessel;
(b) the person or persons ascend above the water; and
(c) the person or persons remain suspended under a canopy, chute, or parasail above the water while the vessel is underway.
The term does not include ultralight glider towing conducted under rules of the Federal Aviation Administration governing ultralight vehicles as defined in 14 CFR Part 103.

Section 4. [Insurance.] The owner or operator of a vessel engaged in commercial parasailing may not offer or provide for consideration any parasailing activity unless the owner or operator first obtains and maintains in full force and effect a liability insurance policy from an insurance carrier licensed in this state or approved by the [state insurance regulating agency] or [an eligible surplus lines insurer]. Such policy must provide bodily injury liability coverage in the amounts of at least [$ amount variable] per occurrence and [$ amount variable] annual aggregate. Proof of insurance must be available for inspection at the location where commercial parasailing is offered or provided for consideration, and each customer who requests such proof shall be provided with the insurance carrier's name and address and the insurance policy number.

Section 5. [Weather Monitoring.] The operator of the vessel engaged in commercial parasailing shall use all available means to determine prevailing and forecasted weather conditions and record this information in a weather log each time passengers are to be taken out on the water. Log entries shall include, but not limited to: wind direction, wind speed, sea and sky conditions. The weather log must be available for inspection at all times at the operator's place of business.

Section 6. [Weather Limits.] Commercial parasailing is prohibited if the current observed wind conditions in the area of operation include a sustained wind speed of more than 20 miles per hour; if wind gusts are 15 miles per hour higher than the sustained wind speed; if the wind speed during gusts exceeds 25 miles per hour; if rain or heavy fog results in reduced visibility of less than 0.5 mile; or if a known lightning storm comes within seven (7) miles of the parasailing area.

A vessel engaged in commercial parasailing must be equipped with a functional VHF marine transceiver and a separate electronic device capable of providing access to National Weather Service forecasts and current weather conditions.

OR

Section 6. [Weather Limits.] Regions affected by prevailing trade winds may operate with an additional 5 miles per hour allowance to the sustained wind speed provided that:

(1) the sustained wind direction is offshore for the parasail operation, and

(2) the parasail equipment in use is sufficiently rated for the wind conditions.

COMMENT: This specific piece would apply only to Hawaii and U.S. island territories where, due to trade winds, the wind speeds may normally exceed sustained wind allowances. The parasail companies will operate on the lee side of the island where it is calm enough and the wind speeds are lower than those general wind reports for the entire area.
Section 7. [Operations.] Every passenger going aloft shall be in a properly fitted U.S. Coast Guard approved, non-inflatable, wearable life jacket prior to flight. A properly fitted parasail harness shall include the waist strap being placed around the passenger’s waist, not the life jacket.

Section 8. [Equipment.] Commercial parasail towlines shall be braided with a minimum rated tensile strength of not less than 4,800 lbs. (2177 kg). The owner or operator of a vessel engaged in commercial parasailing shall maintain towline purchase records documenting the date of purchase, towline length, and the original minimum rated strength of the towline in the maintenance and inspection log. A vessel engaged in commercial parasailing must use and carry the following equipment:

1. a hydraulic winch with brake;
2. parasail deflating/arresting device;
3. boat hook with a minimum reach of 10 ft.; and
4. emergency scissors and/or rescue knife.

Section 9. [Maintenance.] The parasail equipment shall be operated, stowed, inspected and maintained in accordance with the manufacturer’s recommendations. Parasail harness webbing/stitching, passenger bar, canopy, shroud lines and towline shall be visually and physically inspected by a qualified crewmember prior to each day’s parasail activities. The vessel owner shall maintain a written maintenance and inspection log for the vessel and the parasail equipment. Equipment found in substandard condition shall be removed from the vessel for repair or destruction. The bitter end of a towline shall be trimmed to whatever following criterion is most frequent:

1. the manufacturer’s specification;
2. a minimum of 12 inches every 100 flights; or
3. a minimum of 12 inches every 30 days.

The trimmed piece shall be labeled with the date trimmed and vessel name and retained aboard the vessel or on the premises of the place of business until the existing towline is permanently removed from service. Trimming of the bitter end shall be recorded as part of the maintenance and inspection log. The maintenance and inspection log must be available for inspection at all times at the operator’s place of business.

Section 9. [Crew Requirements.] The operator of a vessel engaged in commercial parasailing must have a current and valid license issued by the U.S. Coast Guard authorizing the operator to carry passengers for hire. The license must be appropriate for the number of passengers carried and the displacement of the vessel. The license must be carried on the vessel and be available for inspection while engaging in commercial parasailing activities.

A commercial parasail vessel shall be manned with a minimum of two crewmembers, [master plus one deckhand], while conducting commercial parasail operations. The vessel owner shall establish a crewmember-training program conducted at regular intervals that includes, but is not limited to:

1. vessel familiarization, inspection, and maintenance;
(2) emergency procedures for fire, sudden or heavy weather, man overboard, water
landings, towline separation to include arresting of the parasail canopy and
retrieval of riders in the water with the canopy attached;
(3) parasail equipment familiarization, inspection, maintenance, and stowage;
(4) passenger pre-flight instructions, preparations, and checks;
(5) parasail launch, flight, and recovery operations; and
(6) flight monitoring.
A master shall qualify for conducting parasail operations by demonstrating proficiency in
the crewmember-training program and completing a minimum of 500 flight rotations,
under the direct supervision of a qualified master.
The vessel owner shall maintain a record of drills and training conducted for all
crewmembers to document and verify crewmember proficiency with the requirements.
The drill and training log must be available for inspection at all times at the operator’s
place of business.

Section 10. [Vessel Master Responsibility.] The commercial parasailing vessel master
may refuse flying for anyone at any time and for any reason if in his or her judgment it is
not safe to do so (for example, inclement weather conditions, patrons intoxicated,
patrons unable/unwilling to follow directions, etc.).

Section 11. [Penalties.] A person, owner, or operator who violates this section commits
a [misdemeanor of the second degree], punishable as provided in [State Specific
Reference].

Section 12. [Effective Date.] [Insert effective date.]